



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 17, 2015

Ms. Lauren Studdard
Staff Attorney
State Board of Dental Examiners
333 Guadalupe, Tower 3, Suite 800
Austin, Texas 78701-3942

OR2015-26631

Dear Ms. Studdard:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 592342.

The Texas State Board of Dental Examiners (the "board") received a request for all available records related to a specified complaint and investigation. You state the board released some information. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses section 254.006 of the Occupations Code, which reads as follows:

¹ We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

(a) Except as provided by this section, the investigation files and other records of the board are public records and open to inspection at reasonable times.

(b) Investigation files and other records are confidential, except the board shall inform the license holder of the specific allegations against the license holder. The board may share investigation files and other records with another state regulatory agency or a local, state, or federal law enforcement agency.

(c) The exception from public disclosure of investigation files and records provided by this section does not apply to the disclosure of a disciplinary action of the board, including:

- (1) the revocation or suspension of a license;
- (2) the imposition of a fine on a license holder;
- (3) the placement on probation with conditions of a license holder whose license has been suspended;
- (4) the reprimand of a license holder; or
- (5) the issuance of a warning letter to a license holder.

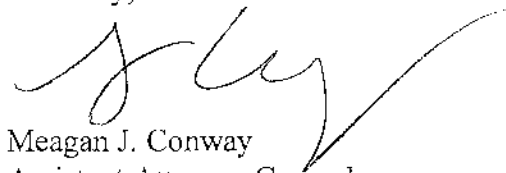
Occ. Code § 254.006. The board states the submitted information consists of the investigative file pertaining to allegations that a Texas dental laboratory violated the rules and laws regulating the operation of a dental laboratory. The board also states the requested information pertains to a disciplinary action of the board listed in section 254.006(c), specifically an agreed settlement order that issued a sanction against the dental laboratory at issue; however, the board states it provided a copy of the order to the requestor. *See id.* § 254.006(c). Based on these representations, we conclude the submitted information is confidential under section 254.006(b) of the Occupations Code. Thus, the board must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 254.006(b) of the Occupations Code.

The board also asks this office to issue a previous determination that would permit the board to withhold investigation files under section 552.101 of the Government Code in conjunction with section 254.006(b) of the Occupations Code without the necessity of requesting a decision under section 552.301 of the Government Code. We decline to issue such a previous determination at this time. Accordingly, this letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this

ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meagan J. Conway', is written over the typed name and title.

Meagan J. Conway
Assistant Attorney General
Open Records Division

MJC/bw

Ref: ID# 592342

Enc. Submitted documents

c: Requestor
(w/o enclosures)