



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

August 23, 2017

Mr. Brad Bowman  
General Counsel  
Texas Department of Licensing and Regulation  
P.O. Box 12157  
Austin, Texas 78711

OR2017-19327

Dear Mr. Bowman:

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# 677461 (TDLR #PIR-20171069).

The Texas Department of Licensing and Regulation (the "department") received a request for a specified complaint. The department claims the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

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 401.2535(h) of the Occupations Code, which provides,

All information and materials subpoenaed or compiled by the department in connection with a complaint and investigation are confidential and not subject to disclosure under [the Act] and not subject to disclosure, discovery, subpoena, or other means of legal compulsion for their release to anyone other than the department or its employees or agents involved in discipline of the holder of a license, except that this information may be disclosed to:

- (1) persons involved with the department in a disciplinary action against the holder of a license;


- (2) professional speech-language pathologist and audiologist licensing or disciplinary boards in other jurisdictions;
- (3) peer assistance programs approved by the commission under Chapter 467, Health and Safety Code;
- (4) law enforcement agencies; and
- (5) persons engaged in bona fide research, if all individual-identifying information has been deleted.

Occ. Code § 401.2535(h). The department states it compiled the submitted information in response to a complaint and subsequent investigation, which is ongoing, under chapter 401 of the Occupations Code. The department also represents the exceptions to confidentiality under section 401.2535(h) are not applicable. Based on these representations, we agree the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 401.2535(h) of the Occupations Code.<sup>1</sup>

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](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,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/bw

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<sup>1</sup>As our ruling is dispositive, we do not address the other arguments of the department to withhold this information.

Ref: ID# 677461 (TDLR #PIR-20171069)

Enc. Submitted documents

c: Requestor  
(w/o enclosures)