



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 29, 2019

Ms. June B. Harden
Assistant Attorney General
Assistant Public Information Coordinator
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2019-11291

Dear Ms. Harden:

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# 763518 (PIR No. R000401).

The Office of the Attorney General (the "OAG") received a request for information pertaining to a specified investigation concerning an alleged violation of the Texas Open Meetings Act. The OAG claims the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception the OAG asserts and reviewed the submitted representative sample of information.¹ We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (permitting interested third party to submit to attorney general reasons why requested information should or should not be released).

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. *See id.* § 552.108(a)(2). A governmental body claiming section 552.108(a)(2)

¹We 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 that those records contain substantially different types of information than that submitted to this office.

must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.*; *see also id.* § 552.301(e)(1)(A). The OAG states the submitted information consists of investigative records compiled by the Texas Rangers while investigating an Open Meetings Act complaint. The OAG explains the submitted information was forwarded to attorneys in the OAG's Criminal Prosecutions Division for their review. The OAG states a special prosecutor was named to handle the matter and, as a result, the OAG's Criminal Prosecutions Division closed its investigation and did not pursue charges against the suspects. Based on the OAG's representation, we agree section 552.108(a)(2) is applicable to the submitted information. Thus, the OAG may withhold the submitted information under section 552.108(a)(2) of the Government Code.

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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/eb

Ref: ID# 763518

Enc. Submitted documents

c: Requestor
(w/o enclosures)