



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 17, 2019

Ms. Anastasia Broadfoot  
Attorney, Office of General Counsel  
Texas Alcoholic Beverage Commission  
P.O. Box 13127  
Austin, Texas 78711-3137

OR2019-13202

Dear Ms. Broadfoot:

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# 765910 (ORR R000847-031219).

The Texas Alcoholic Beverage Commission (the "commission") received a request for all records pertaining to a specified investigation involving a named company. You claim the requested information is subject to a prior ruling from this office. We have considered the submitted argument.

You state the requested information was the subject of a previous request for a ruling, as a result of which this office issued Open Records Letter No. 2019- 10878 (2019). In that ruling, we determined 1) with the exception of the name, proposed location, and type of permit sought in the relevant applications, the commission must withhold Exhibit C under section 552.101 of the Government Code in conjunction with section 5.48 of the Alcoholic Beverage Code and 2) with the exception of the basic information, the commission may withhold the remaining information in Exhibit B under section 552.108(a)(2) of the Government Code. We have no indication the law, facts, or circumstances on which the prior ruling was based have changed. Thus, the commission must continue to rely on Open Records Letter No. 2019-10878 as a previous determination and withhold or release the information at issue in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely

same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

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,



Paige Lay  
Assistant Attorney General  
Open Records Division

PS/be

Ref: ID# 765910

c: Requestor