



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

September 8, 2022

Mr. Michael Rakauskas  
Staff Attorney  
Texas Board of Veterinary Medical Examiners  
333 Guadalupe, Suite 3-810  
Austin, Texas 78701-3942

OR2022-27439

Dear Mr. Rakauskas:

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# 970592 (Ref. No. ORR22-053).

The Texas Board of Veterinary Medical Examiners (the "board") received a request for information pertaining to two specified case numbers. 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 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 information made confidential by other statutes, such as section 801.207(b) of the Occupations Code, which provides:

Except as provided by Subsection (b-1), each complaint, investigation file and record, and other investigation report and all other investigative information in the possession of or received or gathered by the board or the board's employees or agents relating to a license holder, an application for license, or a criminal investigation or proceeding is privileged and confidential and is not subject to discovery, subpoena, or other means of legal compulsion for release to anyone other than the board or the board's employees or agents involved in discipline of a license holder.

Occ. Code § 801.207(b). You state, under the board's procedures, an investigation file is opened upon receipt of a complaint, and any matters related to that complaint and subsequent investigation become part of the investigation record. Further, you inform us

the submitted information relates to complaints filed with the board after September 1, 2021, and this information is contained within the investigation files. You also inform us section 801.207(d) does not apply, in this instance. *See id.* § 801.207(d) (establishing circumstances in which the board shall provide the license holder with access to information). Based upon your representations and our review, we conclude section 801.207(b) is applicable to the information at issue. Accordingly, the board must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 801.207(b) of the Occupations 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Blake Brennan  
Assistant Attorney General  
Open Records Division

BBX/jxd

Ref: ID# 970592

Enc. Submitted documents

c: Requestor  
(w/o enclosures)