



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

September 18, 1990

Mr. A.W. Pogue
Commissioner
State Board of Insurance
1110 San Jacinto
Austin, Texas 78701-1998

OR90-450

Dear Mr. Pogue:

We have received several letters from you asking whether information about an insurance company in receivership is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. We initially expected to deal with these requests in an Open Records Decision drafted in response to RQ-2012, our file on your request for reconsideration of Open Records Decision No. 528 (1989). However, the file on RQ-2012 has been closed due to litigation, and Open Records Decision No. 528 (1989) has been withdrawn as stated in a letter of September 11, 1990, by Attorney General Jim Mattox. We will therefore try to resolve the open records matters you sent to us on the basis of the other exceptions you cited, to the extent that we can do so while reserving the question of whether records in the receiver's custody are subject to the Open Records Act.

By letter of September 28, 1989, you forwarded a request for information about First Southwest Lloyds and R.W. Brayton Co. submitted by Bruce Hight. Your letter was designated ID# 7697. You subsequently sent the documents that were requested, and these were designated ID# 8160.

We have considered the exception you claimed in ID# 7697, specifically section 3(a)(3), and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 551 (1990), a copy of which is enclosed, resolves your request. For this reason, you may withhold the requested information.

By letter of December 8, 1989, you forwarded a request for information about Walker General Agency, Inc., submitted by D. Douglas Brothers. Your letter was designated ID# 8343. By letter of January 10, 1990, you forwarded Mr.

Brother's corrected request for records of Walker General Agency, Inc. This letter was designated ID# 8629. In it you raise 3(a)(3). On the basis of Open Records Decision No. 551, you may withhold the requested information.

By letter of June 1, 1990, Acting Commissioner of Insurance Alex Gonzales forwarded a request for information about Southwest American Lloyds Insurance Company submitted by R.C. Stephenson. This letter was designated ID# 9753. Mr. Stephenson's request is now before the court in State of Texas v. Southwest American Lloyds Ins. Co., No. 481,060 (Dist. Ct. of Travis County, 98th Judicial District of Texas). Accordingly, we will not address this request.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-450.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/le

Ref.: ID# 7697, 8160, 8343, 8629, 9753

Enclosure: Open Records Decision No. 551

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