



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

April 30, 1991

Robert Bernstein, M.D., F.A.C.P.
Commissioner of Health
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3199

OR91-227

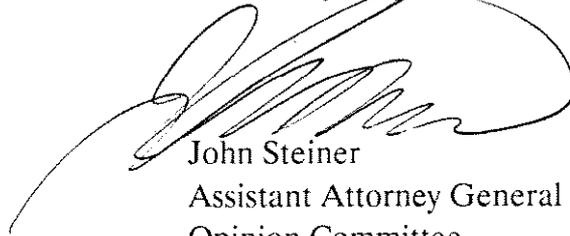
Dear Commissioner Bernstein:

You ask whether certain information requested by Samuel E. Stubbs is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12090.

We have considered the exception you claimed, specifically section 3(a)(3). A previous determination of this office, Open Records Decision No. 551 (1990), a copy of which is enclosed, resolves your request. As you advise that litigation is pending with respect to the subject matter of the requested information, you may withhold the requested information. Please note the discussion on page 4 of Open Records Decision No. 551 regarding the duration of the litigation exception.

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 OR91-227.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/lb

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Ref.: ID# 12090, 12141

Enclosure: Open Records Decision No. 551

cc: Phillip G. Poplin,
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