



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1993

Mr. Christopher Maczka
Assistant Attorney General
General Counsel Division
Administrative Law Section
P.O. Box 12548
Austin, Texas 78711-2548

OR93-125

Dear Mr. Maczka:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former V.T.C.S. article 6252-17a).¹ Your request was assigned ID# 19080.

The Texas State Board of Veterinary Medical Examiners (the "board") has received a request for information relating to certain complaints and disciplinary actions. Specifically, the requestor seeks:

1. All documents detailing number and nature of complaints filed against Donald Ross, H.M. Mark, James Sloat and James Weedon . . . [including] any correspondence between and among these parties and the Board.
2. Documents detailing any disciplinary actions toward these gentlemen and the Board . . . [including] fines assessed, judgments rendered, revocation or probation of licenses, or any such action taken.

¹The Seventy-Third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46, at 988. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

3. Documents detailing all complaints filed with TBVME, fines assessed, and all disciplinary actions taken against licensed veterinarians since Jan. 1, 1992.

You advise us that information requested in items 2 and 3 above, which relates to final disciplinary actions taken by the board, has been released to the requestor. You have submitted several documents to this office for review, however, which appear to detail the nature of the complaints filed against the listed veterinarians in on-going actions. You claim that former section 3(a)(1) of the Open Records Act (now found at section 552.101 of the Government Code) exempts the documents submitted to us for review from required public disclosure.

Section 552.101 of the Government Code exempts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 9(d) of the Veterinary Licensing Act, V.T.C.S. article 8890, makes confidential "[t]he investigation files and records of the Board." You advise us that the documents submitted to us for review constitute investigation files and records. Having examined the documents submitted to us for review, we conclude that section 552.101 of the Government Code requires the board to withhold them from required public disclosure.

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 contact this office.

Yours very truly,



Rebecca L. Payne
Section Chief
Open Government Section

RLP/KKO/GCK/lmm

Ref.: ID# 19080

Enclosures: Submitted documents

cc: Mr. Wayne Dolcefino
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(w/o enclosures)