



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 19, 1995

Mr. David R. Gipson  
Assistant General Counsel  
Texas Department of Agriculture  
P.O. Box 12847  
Austin, Texas 78711

OR95-1451

Dear Mr. Gipson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36688.

The Texas Department of Agriculture has received a request for information "pertaining to Bee Agriculture Company, including but not limited to all insurance information, applications, licensing information, inspection reports, citations, fines, notices of violations, names of all owners and managers." You have provided most of the information to the requestor. You contend, however, that the information you have submitted for our review is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 14.003 of the Agriculture Code.

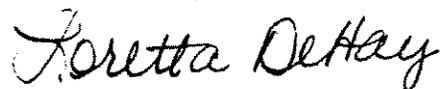
Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 14.003(d) of the Agriculture Code makes confidential "(1) inspection reports containing information regarding grain inventory," and "(2) financial information provided to the department to establish net worth for purposes of licensure."

We have examined the records submitted for our review. We conclude that the information you have marked in the "Warehouse Examination Reports" regarding grain inventory is confidential under section 14.003(d)(1). You assert that the representative sample of financial information submitted for our review was originally submitted to the department "by Bee Agriculture to establish net worth for purposes of licensing as a grain warehouse." We conclude that the financial information submitted for our review is confidential under section 14.003(d)(2). You must, therefore, withhold the requested

information under section 14.003(d) of the Agriculture Code in conjunction with section 552.101 of the Government Code.<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/ch

Ref.: ID# 36688

Enclosures: marked documents

cc: Mr. R. Gary Stephens  
Stephens & Stephens, L.L.P.  
520 Post Oak Blvd., Suite 600  
Houston, Texas 77027-9405  
(w/o enclosures)

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<sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.