



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 19, 1995

Ms. Bobbie K. Mihal
Gottesman, McAllister & Kirk, P.C.
8 Greenway Plaza, Suite 802
Houston, Texas 77046

OR95-1458

Dear Ms. Mihal:

You have asked 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# 32945.

You represent the Smithville Independent School District (the "district"). The district received a request for information about "the exact terms of Sherry Scott's resignation as proposed by her representative." You submitted to this office for review a letter responsive to the request, but contend that it is excepted from public disclosure under section 552.103(a) of the Government Code. Section 552.103(a) provides that information is excepted from disclosure if it is information:

(1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and

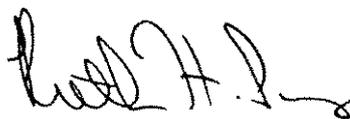
(2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

You provided information that indicates the district is involved in a settlement negotiation and that the letter at issue is related to that negotiation. *See* Open Records Decision No. 551 (1990) at 4. The district may therefore withhold the letter from public disclosure pursuant to the "settlement negotiations" provision of section 552.103(a).

We note that this office has held that the section 552.103(a) provision concerning "settlement negotiations" does not extend to the final terms of a settlement agreement. Open Records Decision No. 245 (1980) at 2. Also, since the section 552.103(a) exception is discretionary with the governmental entity asserting the exception, it is within the district's discretion to release this letter to the requestor. Gov't Code § 552.007; Open Records Decision No. 542 (1990) at 4.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 32945

Enclosure: Marked document

cc: Ms. Shelly Laird
Smithville Times
P.O. Box 659
Smithville, Texas 78957
(w/o enclosure)