



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 19, 1995

Mr. Doug Huth  
Compliance Officer  
Texas Department of Agriculture  
P.O. Box 12847  
Austin, Texas 78711

OR95-1472

Dear Mr. Huth:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government. Your request was assigned ID# 30585.

The Department of Agriculture (the "department") received two open records requests from different individuals for the department's file on Complaint Number 02-94-0062. As a result, the department made two separate requests for open records decisions from this office. Although this office issued a ruling in response to one of the department's requests, *see* Open Records Letter No. 94-802 (1994) ("OR94-802") (copy enclosed), we failed to resolve your second request for an open records decision at that time.

Assuming that the records at issue in OR94-802 are the same as those at issue here, the department may withhold those records pursuant to the "litigation exception," section 552.103 of the Government Code, in accordance with that prior ruling. *But see* Open Records Decision Nos. 320 (1982) (litigation exception no longer applicable after opposing party in litigation has seen or had access to requested records); Open Records Decision No. 350 (1982) (applicability of litigation exception ends once the litigation has concluded).

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/RWP/rho

Ref.: ID# 30585

Enclosure: Open Records Letter No. 95-802

cc: Mr. Ernest Cochran  
Leshner & Cochran  
P.O. Box 2033  
Texarkana, Texas 75504-2033  
(w/ enclosure)