



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 20, 1995

Mr. Phillip J. John  
Baker & Botts  
910 Louisiana  
Houston, Texas 77002-4995

OR95-1516

Dear Mr. John:

On behalf of the Houston Municipal Employee's Pension Fund (the "fund"), 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# 27849.

The fund received a request for information about the "Loan on the Jersey Meadows Partnership." The requestor asked for (1) the quarterly revenue reports for 1991, 1992, and 1993, including green fees, cart fees, and other fees and revenues and (2) information as to revenues paid to the fund by the BSL Golf Corporation ("BSL") and amounts BSL owes the fund. You state that the fund did not issue quarterly reports until 1994. However, the fund provided this office for review representative samples of documents that are responsive to the request.<sup>1</sup> You contend that this information is excepted from disclosure pursuant to section 552.104 and 552.110.

Section 552.104 excepts from required public disclosure "information that, if released, would give advantage to a competitor or bidder." In previous letter rulings, this office determined that certain investment and revenue information maintained by the fund was excepted from public disclosure pursuant to section 552.104 of the

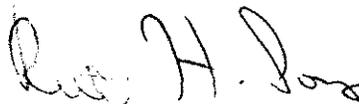
---

<sup>1</sup>We assume that the "representative sample" of records submitted to this office for review is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). 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.

Government Code, because the requested information would benefit investment competitors. See Open Records Letter Nos. 91-606 (1991), 92-374 (1992), and 93-632 (1993) (copies enclosed). The information requested in Open Records Letter No. 93-632 (1993) was virtually identical to the information sought by the requestor in this situation. The information at issue is excepted from disclosure pursuant to section 552.104 for reasons that are more fully stated in Open Records Letter No. 91-606 (1991). Because this information may be withheld from disclosure under section 552.104, we do not address your arguments under section 552.110.

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 may not be relied upon as a previous determination regarding any other records or any other request for these 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/LRD/rho

Ref.: ID# 27849

Enclosures: Submitted documents  
Open Records Letter Nos. 91-606, 92-374 and 93-632

cc: Mr. Lee Gordon  
Lee Gordon & Associates  
911 Franklin  
Houston, Texas 77002  
(w/o enclosures)