



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 20, 1995

Mr. Richard Ybarra
Open Records Coordinator
General Counsel Division
The Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR95-1546

Dear Mr. Ybarra:

You ask whether certain information is subject to required public disclosure pursuant to chapter 552 of the Government Code. Your request was assigned ID# 37185.

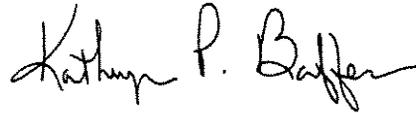
The Office of the Attorney General (the "attorney general") received a request for all records related to the Valle Rico Subdivision in Starr County referenced in a particular letter dated October 18, 1995, sent by the County Attorney of Starr County to a Special Assistant of the Attorney General. The requestor seeks any records that were supplied to the attorney general as well as any subsequent records which pertain to the subdivision. You have submitted for our review copies of the records that you contend are excepted from required public disclosure. Additionally, you have submitted a letter that raises, in a general manner, all of the exceptions to public disclosure provided in chapter 552 of the Government Code.

On November 28, 1995, we asked you to submit your written comments explaining the reasons why the stated exceptions apply to the submitted information. To date we have not received your arguments applying your asserted exceptions to the requested information.

The Open Records Act places on the custodian of public records the burden of establishing that records are excepted from public disclosure. Attorney General Opinion H-436 (1974). Your request for an open records decision remains incomplete. Without the information requested from you, this office is unable to evaluate the exceptions you raised. Consequently, we find that you have not met your burden under sections 552.301 through 552.303 of the government code and that the information submitted is presumed to be public. Open Records Decision No. 195 (1978).

In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information. Open Records Decision No. 195 (1978). *See also* Gov't Code § 552.352 (the distribution of confidential information is a criminal offense). If you have any questions regarding this matter, please contact our office.

Yours very truly,



Kathryn P. Baffes
Assistant Attorney General
Open Records Division

KPB/rho

Ref: ID# 37185

Enclosures: Submitted documents

cc: Mr. Raul Alvarez
Henry, Lowerre, Johnson, Hess & Frederick
202 West 17th Street
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(w/o enclosures)