



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 22, 1995

Mr. Peter A. Stone
Executive Director
Board of Tax Professional Examiners
333 Guadalupe Street, Tower 2, Suite 520
Austin, Texas 78701-3942

OR95-1592

Dear Mr. Stone:

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# 33725.

The Board of Tax Professional Examiners (the "board") received a request for a complaint that was filed against an individual whom we assume is registered with the board. The requestor, who has made the request on behalf of his client, is an attorney who represents the registered individual. The attorney has asked for a copy of the complaint made against his client, and for the "name, address, and telephone number" of the complainant if the complaint was made orally. You assert that the information at issue is excepted from disclosure under section 552.103(a) or pursuant to the informer's privilege as incorporated in section 552.101. However, these exceptions to disclosure are inapplicable to the complaint information at issue, because the board's own rules govern access to this information. *See* Open Records Decision No. 534 (1989) at 6 (specific individuals may have special right of access granted by laws outside chapter 552).

Pursuant to its authority under the Property Taxation Professional Certification Act, article 8885, V.T.C.S., the board registers the following individuals:

- (1) all chief appraisers, appraisal supervisors and assistants, property tax appraisers, appraisal engineers, and other persons with authority to render judgment on, recommend, or certify appraised values to the appraisal review board of an appraisal district;
- (2) the tax assessor-collector, tax collector, or other person designated by the governing body of a taxing unit as the chief administrator of the unit's assessment functions, collections

functions, or both; and other persons who perform assessment or collections functions for the unit whom the chief administrator of the unit's tax office requires to register; and

(3) all persons engaged in appraisals of real or personal property for ad valorem tax purposes for an appraisal district or a taxing unit

V.T.C.S. art. 8885, § 11.

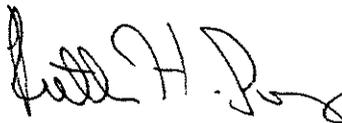
The board also has the authority to investigate complaints and to revoke or suspend registrations. *Id.* § 10; 22 T.A.C. § 629.4(a). According to the board's complaint procedure, each complaint must include:

- (1) the name and address of the complaining party;
- (2) the name and business address of the party against whom the complaint is made;
- (3) a succinct statement(s) of the nature of the complaint with specific reference to any alleged violation of professional practices, code of ethics or other matter thought sufficient to warrant suspension or revocation of a person's registration; and
- (4) the signature of the complaining party(s).

22 T.A.C. § 629.5(a). Names and addresses of witnesses with relevant evidence are also included in the filed complaint. *Id.* § 629.5 (b). Upon receipt of a complaint that is valid as to form and content, the board sends notice by certified mail to the registrant against whom the complaint is made. *Id.* § 629.5(c). A copy of the complaint is attached to the notice. *Id.*

Since the board's own rules provide that the registrant and his attorney must be provided a copy of the requested information, we need not address the applicability of sections 552.101 and 552.103(a) exceptions to disclosure. 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# 33725

Enclosure: Submitted document

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