



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 31, 1996

Mr. Ron Allen
Executive Director
Texas State Board of Veterinary
Medical Examiners
333 Guadalupe, Suite 2-330
Austin, Texas 78701-3998

OR96-1349

Dear Mr. Allen:

You seek reconsideration of Open Records Letter No. 96-0754 (1996), in which this office concluded that the Texas State Board of Veterinary Medical Examiners (the "board") must withhold certain investigative records under section 9 of the Veterinary Licensing Act, article 8890, V.T.C.S.. This office also concluded that status reports by which the board notifies the parties to the complaint of the status of the complaint must be released to the requestor. Your request for reconsideration was assigned ID# 100672.

The board received an open records request for, among other things, all of the board's records concerning the board's investigation of a complaint that the requestor filed against a certain veterinarian. You contend that these records, including the status reports, are excepted from required public disclosure by section 552.101 of the Government Code in conjunction with article 8890, V.T.C.S. You explain that a Travis County District Court has recently ruled that similar status reports are confidential under section 9(d) of article 8890, and that that Third District Court of Appeals has affirmed that ruling. *See Gilleland v. Rizzo*, No. 93-09023 (299th Dist. Ct., Travis County, Tex., Aug. 9, 1994), *aff'd*, *Gilleland v. Rizzo*, No. 03-94-00717-CV (Tex. App.--Austin 1995) (not designated for publication). We have reviewed the court rulings and agree that the board must withhold the status reports as well as investigative materials pursuant to section 9(d) of article 8890, V.T.C.S.

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/rho

Ref.: ID# 100672

Enclosures: Submitted documents

cc: Ms. Debra Duncan
2422 Mockingbird Lane
Garland, Texas 75042
(w/o enclosures)