



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 21, 1997

Mr. David R. Gipson
Assistant General Counsel
Texas Department of Agriculture
P.O. Box 12847
Austin, Texas 78711

OR97-1174

Dear Mr. Gipson:

You ask 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# 106348.

The Texas Department of Agriculture (the "department") received an open records request for "a copy of the copies of any complaints presented to [the department] that involved Jesse E. Thompson and/or Thompson Flying Service Inc. for the years 1985 through 1992." You contend certain records relating to the complaints are excepted from required public disclosure pursuant to the attorney-client privilege and the attorney work product privilege, in conjunction with sections 552.101, 552.107, and 552.111 of the Government Code.

Although you have submitted a large number of documents to this office for review, you have not submitted to this office copies of the "complaints presented to" the department. Nor have you argued that the complaints are excepted from required public disclosure. Therefore, we conclude that the requested complaints received by the department which gave rise to the five department investigations that you referenced in your initial letter to this office must be released to the requestor. See Gov't Code § 552.301-.302. Because none of the records you have submitted to this office appear to be responsive to the open records request, we decline to rule on the public nature of these documents at this time.

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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/RWP/cbh

Ref.: ID# 106348

Enclosures: Submitted documents

cc: Ms. Marcia F. Pennell
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(w/o enclosures)