



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 2, 1997

Mr. Sealy Hutchings  
General Counsel  
Office of Consumer Credit  
Commissioner  
2601 North Lamar Boulevard  
Austin, Texas 78705-4207

OR97-1264

Dear Mr. Hutchings:

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# 106537.

The Office of Consumer Credit Commissioner (the "OCCC") received a request for the pawn tickets, renewal tickets, layaway tickets, and pawn extension tickets issued by several pawnbrokers. You assert that the requested information is confidential by law pursuant to V.T.C.S. art. 5069-51.08. We have considered your arguments and have reviewed the information submitted.

Section 552.101 of the Government Code exempts from required public disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. You argue that the OCCC obtained the submitted documents in the course of investigations, and therefore, they are made confidential under V.T.C.S. art. 5069-51.08. This provision states in pertinent part:

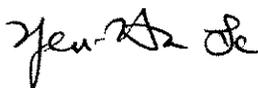
(a) At such times as the Commissioner may deem necessary, the Commissioner, or his duly authorized representative, may make an examination of the place of business of each licensee, may inquire into and examine the transactions, books, accounts, papers, correspondence and records of such licensee insofar as they pertain to the business regulated by this Act, and may examine or inspect pledged goods and purchased goods required to be identified under Section 16(9) of this Act. Such books,

accounts, papers, correspondence and records shall also be open for inspection at any reasonable time by any peace officer, without need of judicial writ or other process. In the course of an examination, the Commissioner or his duly authorized representative shall have free access to the office, place of business, files, safes, and vaults of such licensee, and shall have the right to make copies of any books, accounts, papers, correspondence and records. The Commissioner or his duly authorized representative may, during the course of such examination, administer oaths and examine any person under oath upon any subject pertinent to any matter about which the Commissioner is authorized or required by this Act to consider, investigate, or secure information. . . . The information obtained in the course of any examination or inspection shall be confidential and privileged, except for lawful use by the Commissioner, or in a criminal investigation or prosecution.

Upon review of the submitted information, we conclude that this information is made confidential by V.T.C.S. art. 5069-51.08 and therefore must be withheld from disclosure under section 552.101.

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,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/rho

Ref.: ID# 106537

Enclosures: Submitted documents

cc: Ms. Annette S. Muecke  
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San Antonio, Texas 78209  
(w/o enclosures)