



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 10, 1997

Mr. Jesús Toscano, Jr.
Administrative Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR97-1350

Dear Mr. Toscano:

You seek reconsideration of Open Records Letter No. 97-0613 (1997), in which this office determined that the Texas Open Records Act, Government Code chapter 552, required the City of Dallas (the "city") to make certain information available to the requestor. We have assigned your request for reconsideration ID# 107088.

We concluded in Open Records Letter No. 97-0613 (1997) that the city did not make a representation to this office that the notice of claim on which the city based its section 552.103 claim complied with the Texas Tort Claims Act or applicable municipal ordinance as is required under Open Records Decision No. 638 (1996). In your request for reconsideration, you again reiterate your original assertion that the language in the notice of claim form makes the requisite compliance representation. You also argue that Open Records Letter No. 97-0613 (1997) conflicts with this office's ruling in Open Records Letter No. 97-0748 (1997) wherein we concluded that the city demonstrated that it reasonably anticipated litigation under section 552.103(a) by representing to this office that the notice of claim letter was in compliance with an applicable municipal ordinance.

We have examined your request for reconsideration and conclude that our two previous rulings do not conflict. We decline to change the ruling issued in Open Records Letter No. 97-0613 (1997). If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref.: ID# 107088

Enclosures: Submitted documents

cc: Mr. Kevin C. Martin
Attorney at Law
3500 Oak Lawn, Suite 400
Dallas, Texas 75219
(w/o enclosures)