



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 25, 1997

Ms. Helen M. Gros
Senior Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR97-2582

Dear Ms. Gros:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 110296.

The City of Houston (the "city") received a request for information provided by city attorneys to the City of Houston Ethics Committee (the "committee). You submitted the responsive information at issue, labeled as Exhibit 4, to this office for review. You assert that Exhibit 4 is protected from disclosure pursuant to section 552.107(1) of the Government Code.

In your letter of August 26, 1997, to this office, you state:

The City of Houston Ethics Committee is a committee, created by City ordinance, that functions to review and investigate allegations of impropriety on the part of City officials and candidates for public office.

You submitted to this office a copy of the city ordinance that provides that "[t]he committee may request the city attorney to provide legal advice or it may request of city counsel that outside counsel be employed to serve in an advisory capacity."

We note that in an October 10, 1997 letter submitted to this office in connection with (ID# 109519), you stated:

The committee is appointed as an independent citizen review committee on ethics. The committee has no policy making authority, no disciplinary authority and is wholly advisory in nature.

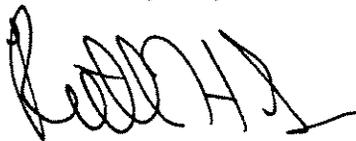
Because of the committee's limited jurisdiction, the City of Houston is of the opinion that the Ethics Committee is not of the same stature as an elected official, city official or department head, each of whom would be entitled to intradepartmental review of city documents without effectuating waiver under the public information act.

In our ruling, Open Records Letter No. 97-2578 (1997), this office accepted your argument that the committee be treated as a member of the public for purposes of chapter 552 of the Government Code.

Section 552.107(1) provides an exception from disclosure for information within the attorney-client privilege that contains legal advice, legal opinion, or that reveals client confidences. Open Records Decision Nos. 574 (1990), 462 (1987) at 9-11. Please note that the privilege is also limited to communications with those governmental representatives who fit within the "control group" as discussed by the Texas Supreme Court in *National Tank Co. v. Brotherton*, 851 S.W.2d 193 (Tex. 1993). Exhibit 4 is information provided by a city attorney to the committee. However, based upon your correspondence concerning the committee's functions, purpose, and role in city government, we conclude that section 552.107(1) is not applicable to this document.

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# 110296

Enclosures: Submitted documents

cc: Mr. G. Riley Heatherington
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Katy, Texas 77494
(w/o enclosures)