



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 23, 1998

Mr. Kevin McCalla  
Director, General Law Division  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

OR98-2808

Dear Mr. McCalla:

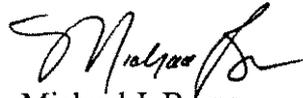
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119894.

The Texas Natural Resource Conservation Commission (the "commission") received a request for salary information on twenty-two of the commission's employees. You have supplied the responsive information, which you contend is excepted from public disclosure by section 552.103 of the Government Code. We have considered the exception you raise and the subject information.

Both the requestor and the commission acknowledge that the subject information was previously determined by our offices to be excepted from public disclosure by section 552.103 of the Government Code. You have supplied a copy of a pleading in a case set in the United States District Court for the Western District of Texas Austin Division, styled, "*Geofrey S.C. Agueze vs. Texas Natural Resource Conservation Commission*", and numbered A 96CA 127JN. We note that our offices previously held a request for the current pay groups and steps (along with the dates of the most recent salary increases) for twenty-six named commission employees to be excepted from disclosure by section 552.103 on the basis of this same case. Open Records Letter No. 97-2006 (1997). We also note that our offices previously held that information regarding salary increases for seven commission employees was excepted from disclosure by section 552.103 on the basis of this same case. Open Letter No. 97-2752 (1997). We conclude that the information subject to the current request has been determined to be excepted from disclosure by section 552.103 of the Government Code on the basis of the above cited case. The exception to disclosure afforded by section 552.103 of the Government Code ends with the finalization of the litigation. The commission represents that the subject litigation is ongoing. As no evidence to the contrary has been submitted to our offices, we accept this representation as factual. The information therefore continues to be excepted from public disclosure as previously determined. The Commission need not release this information 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,

A handwritten signature in black ink, appearing to read "Michael J. Burns".

Michael J. Burns  
Assistant Attorney General  
Open Records Division

MJB/ch

Ref: ID# 119894

cc: Mr. Ken Lancaster  
1506 Meadow Way  
Pflugerville, Texas 78660