



April 14, 1999

Ms. Portia Poindexter
First Assistant County Attorney
Fort Bend County
301 Jackson, Suite 621
Richmond, Texas 77469-3108

OR99-1016

Dear Ms. Poindexter:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 123347.

You inform us that Fort Bend County (the “county”) received an open records request for records pertaining to the shooting death of Robert Williams. In your request for an open records decision, you argued that the requested information was excepted from required public disclosure pursuant to section 552.103 of the Government Code. You did not, however, submit to our office at that time a copy of the written request the county attorney received. See Gov’t Code § 552.301(b).

Pursuant to section 552.303(c) of the Government Code, on February 16, 1999, our office notified you by letter sent via facsimile that you had failed to submit this information as required by section 552.301(b).¹ We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e), *id.*, failure to comply would result in the legal presumption that the requested information is public information.

You did not provide our office with the information that was requested in our February 16, 1999 notice to you.² Therefore, as provided by section 552.303(e), the requested information

¹Our office also notified you that you had failed to submit the requestor’s letter in our January 28, 1999 letter to you.

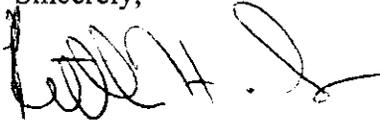
²The materials you submitted to this office in response to our February 16 notification consisted of 1) a related open records request submitted to the Texas Department of Public Safety and 2) that agency’s request to this office for an open records decision. These materials are not responsive to our request for the open records request received by the county that gave rise to your decision request.

is presumed to be public absent a demonstration that a compelling interest exists for withholding the information. *See Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.--Austin 1990, no writ); Open Records Decision No. 319 (1982).

Because you have not presented this office with compelling reasons for withholding the requested information pursuant to section 552.103 of the Government Code, we deem this exception to disclosure as being waived. Consequently, the requested records, to the extent they are held by the county, must be released to the requestor in their entirety.

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/RWP/ch

Ref.: ID# 123347

Enclosures: Submitted documents

cc: Mr. Pete Patterson
Hitt & Patterson
909 Fannin #3838
Houston, Texas 77010
(w/o enclosures)