



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 12, 2012

Mr. Rider Scott
For City of Willow Park
Anderson Tobin, P.L.L.C.
13355 Noel Road, Suite 1900
Dallas, Texas 75240

OR2012-03639

Dear Mr. Scott:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 447513.

The Willow Park Police Department (the "department"), which you represent, received a request for (1) any licenses or permits for the sale of alcohol held by a specified entity, (2) documents reflecting after hour alarm calls or complaints concerning the entity, (3) documents reflecting public complaints lodged against the entity, (4) documents reflecting the citation history of the entity, (5) documents reflecting persons issued alcohol related citations after consuming alcoholic beverages at the entity, and (6) documents reflecting police officers who were witnesses in criminal proceedings arising from persons charged with alcohol related offenses after consuming alcoholic beverages at the entity. The requests for all six categories of information are limited to the period of July 1, 2007 to the present. You state you have released some information to the requestor. You claim that portions of the submitted information are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.

Initially, we note you have submitted a representative sample of information responsive to categories 2, 4, and 5 of the request, but you have not submitted any information responsive to categories 1, 3, and 6 of the request. We assume that, to the extent any information responsive to the remainder of the request existed in the possession of the department when it received the request for information, you have released it to the requestor. *See Open*

Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible). If you have not released any such information, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

Section 552.108(a) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]” *Id.* 552.108(a)(1). Generally, a governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state that the detail report in Exhibit A and the citations listed in Exhibit B relate to pending criminal prosecutions. Based upon this representation, we conclude section 552.108(a)(1) is applicable and the release of information related to Exhibits A and B would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). We note, however, that Exhibit B lists citations issued. Because copies of these documents were provided to the persons who received the citations, we find that the release of the citations will not interfere with the detection, investigation, or prosecution of crime. *See* Gov't Code § 552.108(a)(1). Therefore, the department may not withhold the citations listed in Exhibit B under section 552.108(a)(1).

As you acknowledge, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. *Id.* § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88. Thus, with the exception of the basic front page offense and arrest information, which you state you have released, and the citations listed in Exhibit B, you may withhold information related to Exhibits A and B from disclosure under section 552.108(a)(1).

Some of the remaining information is subject to section 552.130 of the Government Code, which provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or a personal identification document issued by an agency of this state or another state or country is excepted from public release.¹ Gov't Code § 552.130. Upon review, we find the department must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code.

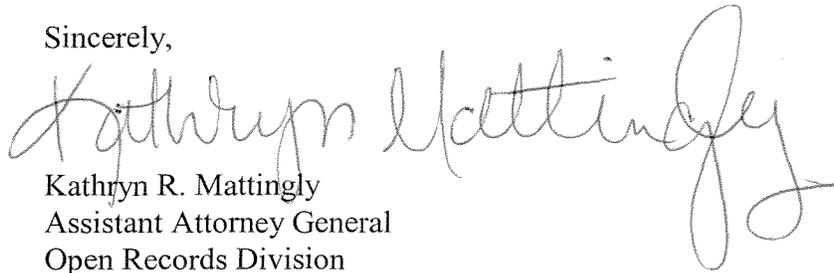
¹The Office of the Attorney General will raise a mandatory exception like section 552.130 on behalf of a governmental body, but ordinarily will not raise other exceptions. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

In summary, except for basic information and the citations listed in Exhibit B, the department may withhold information related to Exhibits A and B under section 552.108(a)(1) of the Government Code. The department must withhold the motor vehicle record information we have marked under section 552.130 of the Government Code. The remaining information must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,

A handwritten signature in cursive script, reading "Kathryn R. Mattingly". The signature is written in black ink and is positioned to the right of the typed name.

Kathryn R. Mattingly
Assistant Attorney General
Open Records Division

KRM/dls

Ref: ID# 447513

Enc. Submitted documents

c: Requestor
(w/o enclosures)