



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 8, 2014

Mr. Hemant Makan  
Executive Director  
Investigator  
Texas State Board of Podiatric Medical Examiners  
P.O. Box 12216  
Austin, Texas 78711-2216

OR2014-11703

Dear Mr. Makan:

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# 528776.

The Texas State Board of Podiatric Medical Examiners (the "board") received a request for the board's response to a letter sent by Senator Charles Schwertner's office (the "senator's office") in July 2013 on a specified topic. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses section 202.509 of the Occupations Code, which provides in part:

- (a) A complaint, report, investigation file, or other investigative information in the possession of or received or gathered by the board or an employee or agent of the board that relates to a license holder, a license application, or a criminal investigation or proceeding is privileged, confidential, and not subject to discovery, subpoena, or any other legal method of compelling release.

...

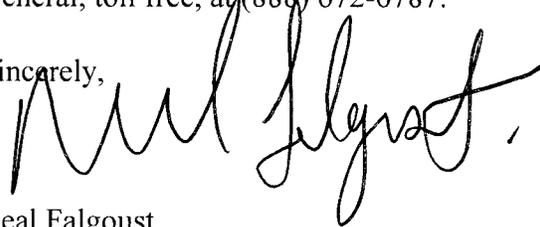
(e) The board shall report to the appropriate law enforcement agency information obtained by the board in the course of an investigation that indicates that a crime may have been committed. The board shall cooperate and assist a law enforcement agency conducting a criminal investigation of a license holder by providing relevant information to the agency. Information provided to a law enforcement agency by the board is confidential and may not be disclosed except as necessary to conduct the investigation.

Occ. Code § 202.509(a), (e). Section 202.509 provides for the release of otherwise confidential information under specified circumstances and to certain persons. *See id.* § 202.509(b), (d), (e), (f). However, you explain none of those release provisions apply. You state the submitted information relates to a criminal investigation that was opened in response to the letter from the senator's office. You explain the allegations in the letter indicate that a crime might have been committed and that board licensees might be engaged in criminal activity. Additionally, you explain the submitted information was forwarded to other law enforcement agencies for investigation of possible criminal activities. Based on these representations and our review, we agree the submitted information is confidential under section 202.509 of the Occupations Code, and the board must withhold it under section 552.101 of the Government Code.

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Neal Falgoust  
Assistant Attorney General  
Open Records Division

NF/som

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Enc. Submitted documents

c: Requestor  
(w/o enclosures)