



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 12, 2015

Mr. Randall B. Strong
Ethics Review Officer
Counsel for The City of League City
407 West Baker Road, Suite T
Baytown, Texas 77521

OR2015-09191

Dear Mr. Strong:

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# 563404.

The City of League City (the "city"), which you represent, received a request for complaints filed with the Ethics Review Board during a specified period of time. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We note the information we have marked is not responsive to the instant request for information because it was not filed during the specified period of time. This ruling does not address the public availability of non-responsive information, and the city is not required to release non-responsive information in response to this request.

Section 552.108(a)(1) 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[.]" Gov't Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) 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 inform us an ethics compliance officer appointed by the city investigates alleged violations

of the city's ethics ordinance, a copy of which you have submitted for our review. You state, and the ethics ordinance reflects, the ethics compliance officer commences an investigation when a sworn ethics complaint is filed against a city official, and the ethics compliance officer may use the services of the city's police department to assist with the investigation. Furthermore, the investigations may result in criminal charges being filed in the city's municipal court. You inform us the information at issue pertains to pending ethics investigations and that release of this information would interfere with these investigations. Based on your representations and our review, we conclude release of the information at issue would interfere with investigations 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). Accordingly, the city may withhold the responsive information under section 552.108(a)(1) 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, 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,



Lauren Dahlstein
Assistant Attorney General
Open Records Division

LMD/cbz

Ref: ID# 563404

Enc. Submitted documents

c: Requestor
(w/o enclosures)