



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

May 13, 2015

Ms. Laurie B. Hobbs  
Assistant General Counsel  
Office of Consumer Credit Commissioner  
2601 North Lamar Boulevard  
Austin, Texas 78705

OR2015-09343

Dear Ms. Hobbs:

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# 563443 (OCCC Open Records File No. OR-15-147).

The Office of Consumer Credit Commissioner (the "commissioner's office") received a request for information the commissioner's office referred to the Texas Department of Insurance in relation to a specified investigation. You state you will withhold information subject to section 552.137 of the Government Code pursuant to Open Records Decision 684 (2009).<sup>1</sup> You claim the submitted information is excepted from disclosure under sections 552.101, 552.110, 552.130, and 552.136 of the Government Code. You further state the proprietary interests of certain third parties might be implicated. Accordingly, you notified Third Coast Auto Group, LP ("Third Coast"); GDR Services, Inc. d/b/a Fiesta Motors ("GDR"); HUB Financial Services; Great American Insurance Company; and AutoStar Solutions, Inc. of the request and of their right to submit arguments to this office explaining why their information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *see also* Open Records Decision No. 542 (1990)

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<sup>1</sup>Open Records Decision No. 684 is a previous determination to all governmental bodies authorizing them to withhold certain categories of information, including e-mail addresses of members of the public under section 552.137, without the necessity of requesting an attorney general decision. ORD 684.

(determining statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in certain circumstances). We have received arguments submitted by Third Coast and GDR. We have considered the submitted arguments 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.” Gov’t Code § 552.101. Section 552.101 encompasses section 14.2015 of the Finance Code, which provides:

(a) Except as provided by Subsection (b), information or material obtained or compiled by the commissioner in relation to an examination or investigation by the commissioner or the commissioner’s representative of a license holder, registrant, applicant, or other person under Section 339.001, Subtitle B or C, Title 4, Subchapter G of Chapter 393, or Chapter 394 is confidential and may not be disclosed by the commissioner or an officer or employee of the [commissioner’s office], including:

(1) information obtained from a license holder, registrant, applicant, or other person examined or investigated under Section 339.001, Subtitle B or C, Title 4, Subchapter G of Chapter 393, or Chapter 394;

(2) work performed by the commissioner or the commissioner’s representative on information obtained from a license holder, registrant, applicant, or other person for the purposes of an examination or investigation conducted under Section 339.001, Subtitle B or C, Title 4, Chapter 393 with respect to a credit access business, or Chapter 394;

(3) a report on an examination or investigation of a license holder, registrant, applicant, or other person conducted under Section 339.001, Subtitle B or C, Title 4, Chapter 393 with respect to a credit access business, or Chapter 394; and

(4) any written communications between the license holder, registrant, applicant, or other person, as applicable, and the commissioner or the commissioner’s representative relating to or referencing an examination or investigation conducted under Section 339.001, Subtitle B or C, Title 4, Chapter 393 with respect to a credit access business, or Chapter 394.

(b) The commissioner or the commissioner's representative may disclose the confidential information or material described by Subsection (a):

(1) to a department, agency, or instrumentality of this state or the United States if the commissioner considers disclosure to be necessary or proper to the enforcement of the laws of this state or the United States and in the best interest of the public;

(2) if the license holder, registrant, applicant, or other person consents to the release of the information or has published the information contained in the release; or

(3) if the commissioner determines that release of the information is required for an administrative hearing.

Fin. Code § 14.2015. Section 14.201 of the Finance Code authorizes the commissioner's office to conduct investigations of certain consumer credit providers under subtitle B of title 4 of the Finance Code, which encompasses chapter 348 of the Finance Code pertaining to motor vehicle installment sales. *See id.* § 14.201. You explain the commissioner's office conducted an investigation of Third Coast and GDR for possible violations related to business transactions involving a certain type of insurance. Pursuant to section 14.2015(a), all information or material obtained or compiled by the commissioner's office in connection with an examination or investigation conducted under this authority is confidential. *Id.* § 14.2015(a). The commissioner's office may disclose information made confidential by section 14.2015(a) only in certain limited circumstances. *Id.* § 14.2015(b). You explain the submitted information was obtained during the investigation conducted by the commissioner's office under chapter 348. Thus, based on your representations and our review, we conclude the submitted information is made confidential by section 14.2015(a). You state none of the exceptions specified in section 14.2015(b) are applicable in this instance. Accordingly, the commissioner's office must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 14.2015(a) of the Finance Code.<sup>2</sup>

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.

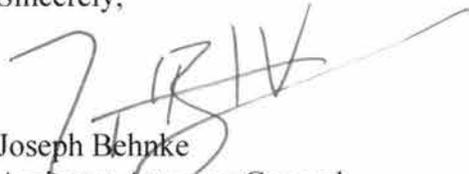
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <http://www.texasattorneygeneral.gov/open/>

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<sup>2</sup>As our ruling is dispositive, we need not address the remaining arguments against disclosure.

[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,



Joseph Behnke  
Assistant Attorney General  
Open Records Division

JB/som

Ref: ID# 563443

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

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