



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 16, 2016

Ms. Kristina Laurel Hale
First Assistant City Attorney
Office of the City Attorney
City of Laredo
P.O. Box 579
Laredo, Texas 78042-0579

OR2016-11219

Dear Ms. Hale:

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# 610296 (Laredo PIR No. W005803-022316).

The City of Laredo (the "city") received a request for a specified ethics complaint. 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.

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 independent ethics compliance officer has been appointed by the city to investigate 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 complaint may result in the filing of criminal charges. You inform

us the information at issue pertains to a pending ethics investigation and release of this information would interfere with this investigation. Based on your representations and our review, we conclude release of the information at issue would interfere with the investigation 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 submitted 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,

A handwritten signature in black ink, appearing to read 'JTB' with a horizontal line extending to the right.

Joseph Behnke
Assistant Attorney General
Open Records Division

JB/som

Ref: ID# 610296

Enc. Submitted documents

c: Requestor
(w/o enclosures)