



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 6, 2016

Ms. Heather Stebbins
County Attorney
Kerr County Attorney's Office
700 Main Street, Suite BA-103
Kerrville, Texas 78028

OR2016-19972

Dear Ms. Stebbins:

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# 625445.

Kerr County Animal Services (the "county") received a request for information pertaining to an investigation of a specified horse stable. 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)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See* Gov't Code § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). Where a non-law enforcement agency has custody of information related to a concluded criminal case of a law enforcement agency, the custodian of the records may withhold the information if it provides this office with a demonstration the information relates to a criminal case that has concluded in a result other than conviction or deferred adjudication and a representation from the law enforcement agency that it wishes to have the information withheld. You raise section 552.108(a)(2) and state the county and the Kerr County Sheriff's Office (the "sheriff's office") have rejected the complaint to which

the submitted information relates as unfounded. We further understand the sheriff's office objects to disclosure of the submitted information. Based on your representation and our review, we conclude the county may withhold the submitted information under section 552.108(a)(2) of the Government Code on behalf of the sheriff's office.

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,



Ramsey A. Abarca
Assistant Attorney General
Open Records Division

RAA/dls

Ref: ID# 625445

Enc. Submitted documents

c: Requestor
(w/o enclosures)