



**THE ATTORNEY GENERAL
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May 13, 1976

The Honorable E. Richard Friedman
Chairman
Texas Optometry Board
603 West 13th Street No. 115
Austin, Texas 78701

Opinion No. H- 823

Re: Meetings of the
Investigation-Enforcement
Subcommittees of the Texas
Optometry Board

Dear Dr. Friedman:

You have asked if the meetings of the Investigation-Enforcement subcommittees of the Texas Optometry Board are required to be open.

The Texas Optometry Board consists of six members appointed by the Governor and confirmed by the Senate. V.T.C.S. art. 4552-2.01. Pursuant to Board rules there is a committee of the whole Board known as the Investigation-Enforcement Committee. This committee of the whole is divided into three two-member subcommittees, each of which has responsibility for one-third of the State. Each subcommittee hires an investigator. If that investigator determines that a charge should be filed against a licensee or other person, the subcommittee studies the charges, conducts further investigation by issuing subpoenas and by hearing witnesses, and determines what further action should be taken.

It has been held that the Open Meetings Act, article 6252-17, V.T.C.S., applies to committees of state boards. Attorney General Opinions H-238 (1974), H-3 (1973). In light of those opinions, we believe it is clear that the Act generally applies to meetings of the Investigation-Enforcement Subcommittee of the Board.

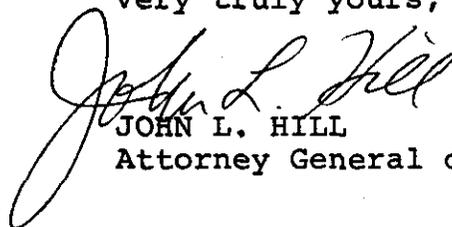
We have reviewed the Act to determine if there are any exceptions which would sometimes permit the subcommittee to meet in closed session or which would except it from the coverage of the Act. As indicated above, the basic activities of the subcommittees are meetings to investigate charges by hearing testimony and meetings to determine what action should be taken on specific complaints. We know of no exception contained in the Open Meetings Act which would except such meetings. Specifically, it has been held that there is no exemption in the Act which relates to meetings held for the purpose of taking testimony. Letter Advisory No. 84 (1974). It is significant to note that even though this Letter Advisory was addressed to a legislative committee, the Legislature met and made no changes in the statute which would provide such an exemption.

Accordingly, so long as the Board conducts its investigations by committees or subcommittees of the Board, the meetings of those committees or subcommittees will be required to be open as provided by the Open Meetings Act.

S U M M A R Y

Meetings of the Investigation-Enforcement Subcommittee of the Texas Optometry Board are required to be open under the Open Meetings Act.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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