



The Attorney General of Texas

June 23, 1978

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An Equal Opportunity
Affirmative Action Employer

Honorable Sam Kelley
Commissioner
Office of Consumer Credit
1011 San Jacinto Boulevard
Post Office Box 2107
Austin, Texas 78768

Open Records Decision No. 194

Re: Whether information submitted to the Office of Consumer Credit Commissioner by a pawnshop licensee is public under the Open Records Act.

Dear Mr. Kelley:

Pursuant to section 7 of article 6252-17a, V.T.C.S., the Texas Open Records Act, you request our decision concerning information submitted with an application for a pawnshop license by a licensee under article 5069-51, V.T.C.S., the Texas Pawnshop Act.

The Texas Pawnshop Act requires each pawnshop licensee to maintain at least \$25,000 in net assets readily available for use in the business. V.T.C.S. 5069-51.04(d). Your office, which is charged with the duty of administering this Act, requires personal financial statements from each licensee in order to show compliance with the statute. A request has been made for release of that information in the application showing compliance with the net assets requirement of the statute by a specific licensee.

You claim that section 3(a)(12) of the Open Records Act excepts this information from disclosure. Section 3(a)(12) excepts

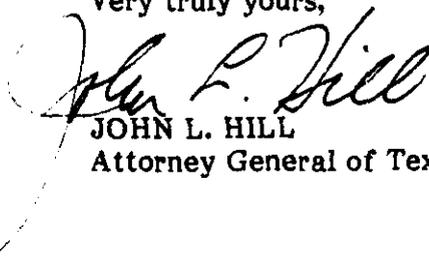
information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for use of an agency responsible for the regulation or supervision of financial institutions, and/or securities, as that term is defined in the Texas Securities Act

We do not believe that information required to be submitted with a license application to show compliance with a statutory net assets requirement qualifies as an "examination, operating, or condition report" for the

purposes of section 3(a)(12). We find support for this conclusion in the Texas Pawnshop Act itself. Article 5069-51.08 of the Act authorizes the Commissioner of the Office of Consumer Credit to make periodic examinations of pawnshops and inspect their books and records. Such examinations are expressly made confidential in article 5069-51.08. No such provision makes confidential information submitted in the application for a license pursuant to article 5069-51.04.

It is our opinion, therefore, that the information requested is not excepted by 3(a)(12) and should be disclosed.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

jsn