



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

April 5, 1990

Mr. Robert L. McCallum
City Attorney
Town of Addison
4500 Belt Line Road, Suite 320
Dallas, Texas 75244

OR90-131

Dear Mr. McCallum:

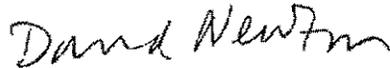
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 7061.

The Town of Addison received an open records request for "all records, reports, memos, correspondence, personnel files, dispatch records, and all other evidence" related to a particular incident that occurred between the requestor and a city police officer. The request for this information was contained in a letter entitled "Formal Complaint and Claim Against." Subsequent correspondence from the requestor referred to the request and the incident, and included a "settlement offer," mention of retention of legal counsel, and a suggestion of possible litigation of 'criminal or civil offenses' [sic], i.e. "McKee v. the Town of Addison."

The city seeks to withhold the requested information under sections 3(a)(1), 3(a)(2), 3(a)(3), 3(a)(7), 3(a)(8) and 3(a)(11) of the Open Records Act. We have considered the exceptions that you raised and reviewed the documents at issue. We agree that litigation may reasonably be anticipated concerning the incident that involved the requestor and that was the subject of an internal investigation by the Addison police department. The material is directly related to the issues raised by the requestor in her claim. A previous determination of this office, Open Records Decision No. 350 (1982) resolves your request. For this reason, you may withhold all of the information requested under section 3(a)(3). As we resolve your request under section 3(a)(3), we do not address the applicability of the other exception you cite.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-131.

Yours very truly,



David A. Newton
Assistant Attorney General
Opinion Committee

DAN/le

Ref.: ID# 7061, 6876

Enclosure: Open Records Decision No. 350

cc: Diana McKee
606 Andra #A
Denton, Texas 76201