



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

August 16, 1990

Mr. A.W. Pogue
Commissioner
State Board of Insurance
1110 San Jacinto
Austin, Texas 78701-1998

OR90-389

Dear Mr. Pogue:

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# 9788.

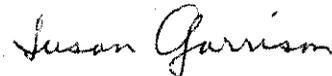
On May 31, 1990, you received a request for records related to the agency's inquiry into matters related to Jack Milton Amason. You forwarded this request to us by your letter of June 6, 1990. The request was for copies of all licenses and renewal applications submitted by Mr. Amason; all records, reports, correspondence, and memoranda supporting the claims made in an April 17, 1990, letter from the Board; all correspondence and records pertaining to certain lawsuits mentioned in that letter, and all correspondence from Mr. Amason or his attorneys. The agency will provide the requestor with copies of the licenses and renewal applications and the material received from Mr. Amason or his attorneys. You state that the remaining records are the basis of an enforcement case against Mr. Amason that is reasonably anticipated to result in administrative litigation, and the attorney reviewing the information believes that it is directly related to the anticipated litigation.

We have considered the exception you claimed, specifically section 3(a)(3), and have reviewed the documents at issue. The information in the file is related to reasonably anticipated litigation and accordingly may be excepted from disclosure under section 3(a)(3) pursuant to a previous determination of this office, Open Records Decision No. 551 (1990), a copy of which is enclosed. For this reason, you may withhold the requested information. If any of that information becomes available to him through administrative

discovery or otherwise, it may no longer be excepted by section 3(a)(3).

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 OR90-389.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/le

Ref.: ID# 9788

Enclosure: Open Records Decision No. 551, 349

cc: Karen Cox
Staff Attorney
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