



Office of the Attorney General
State of Texas

May 22, 1991

DAN MORALES
ATTORNEY GENERAL

Honorable Johnny Klevenhagen
Harris County Sheriff
1301 Franklin
Houston, Texas 77002

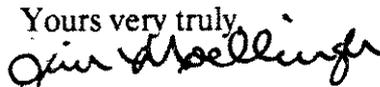
OR91-249

Dear Mr. Klevenhagen:

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# 11716.

You received a request in a letter dated February 6, 1991, for information contained in the personnel files of your employees. You inform us that, subsequent to the submission of the request, the requestor, an attorney, met with members of your staff to discuss a personnel matter involving one of his clients, an employee of the Sheriff's Department who is seeking to return from an extended leave of absence due to medical reasons. You indicate that the requestor advised in the meeting that litigation would be filed against the department if his client were not allowed to return to work.

In a letter to this office dated April 4, 1991, the requestor asserted that your office failed to comply with the requirements of section 7 of the act, specifically that you failed to submit to this office a request for a decision within 10 days. Subsequent to receipt of that letter, the requestor informed this office that suit was been filed, alleging, *inter alia*, noncompliance with section 7 of the act. Because a state district court has assumed jurisdiction of the matter at issue, we conclude that this office does not have jurisdiction of the subject matter of the lawsuit. Therefore, we are not empowered to answer your request. If you have questions about this ruling, please refer to OR91-249.

Yours very truly,

Jim Moellinger
Assistant Attorney General
Opinion Committee

JM/mc
Ref.: ID# 11716