



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

June 11, 1991

Mr. Robert E. Shaddock
General Counsel
State Department of Highways
and Public Transportation
Dewitt C. Greer State Highway Bldg.
11th & Brazos
Austin, Texas 78701-2483

OR91-276

Dear Mr. Shaddock:

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# 12185.

We have considered the exception you claimed, specifically section 3(a)(3), and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 551 (1990), a copy of which is enclosed, resolves your request. For this reason, you may withhold the requested information. Please note the discussion on page 4 of Open Records Decision No. 551 regarding the duration of the litigation exception.

We also reaffirm our earlier decision in OR91-154 dated March 28, 1991. Your letter dated March 8, 1991 that was filed with regard to that decision demonstrates the applicability of the section 3(a)(3) exception to the documents at issue there as well as to the documents forwarded to us for our review in conjunction with this decision.

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 OR91-276.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/lb

Ref.: ID# 12185

Enclosure: documents; Open Records Decision No. 551.

cc: Michael K. Hope
Attorney at Law
Eastham, Watson, Dale & Forney
Twentieth Floor
The Niels Esperson Bldg., 808 Travis
Houston, Texas 77002-5769