



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

September 19, 1991

Mr. Jeffrey J. Horner
Attorney for La Porte I.S.D.
Bracewell & Patterson
2900 South Tower Pennzoil Place
Houston, Texas 77002-2781

OR91-422

Dear Mr. Horner:

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# 13497.

You have received a request for "copies of the complaints and/or allegations signed by 5 teachers" concerning the alleged misconduct of an administrator. You claim that the requested information is exempted from required public disclosure by sections 3(a)(1) and 3(a)(3) of the Open Records Act.

We have considered the exceptions you claim and have reviewed the documents submitted to us. Previous open records decisions issued by this office resolve your request. Open Records Decision No. 368 (1983) held that the exception in section 3(a)(3) may be applied to records relating to a quasi-judicial proceeding before governmental bodies. You have demonstrated that such a proceeding is anticipated. On its face, the requested information is related to that proceeding. If the requestor has not previously had access to the requested documents, you may withhold the information from required public disclosure under section 3(a)(3). Because we resolve this issue under section 3(a)(3), we need not address the applicability of section 3(a)(1).

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 any questions regarding this ruling,

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please refer to OR91-422.

Very truly yours,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/GK/lcd

Ref.: ID# 13497

cc: Mr. Gary Millard
927 Oak Leaf
La Porte, Texas 77571