



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 20, 1991

Mr. Cril Payne  
General Counsel  
Comptroller of Public Accounts  
LBJ State Office Building  
Austin, Texas 78774

OR91-482

Dear Mr. Payne:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, of V.T.C.S. Your request was assigned ID# 13194.<sup>1</sup> The subject matter of this request is largely duplicative of a previous file designated ID# 9896. The subject matter of this request has been the object of a confusing series of open records requests and requests for open records decisions. Rather than attempt to sort out this rather tangled history, we will describe in detail the documents that are before us and apply to those documents the exceptions to required public disclosure asserted by the Office of the Comptroller in its letters to this office dated June 22, 1990 (ID# 9896) and August 5, 1991 (ID# 13195).

**I. The asserted exceptions**

In the letter of June 22, 1990, the comptroller's office asserts that marked portions of documents submitted to the Office of the Attorney General are excepted from required public disclosure by:

(1) section 3(a)(1) of the Open Records Act; specifically this section was claimed to except "information disclosing the names or identity of informants, and information obtained from DPS and FBI criminal history files,"

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<sup>1</sup>This request incorporates and disposes of all related requests. See referenced ID#s on the last page of this letter.

(2) section 3(a)(6) of the Open Records Act; specifically this section was claimed to except "drafts of proposed legislation,"

(3) section 3(a)(11) of the Open Records Act; specifically this section was claimed to except "predecisional advisory opinions, position papers, and policy recommendations, and exchanges of views leading to policy decisions."

In the letter dated August 5, 1991, the comptroller's office asserts that "a small number of intra-office memoranda not previously submitted to the Attorney General" are excepted from required public disclosure under section 3(a)(11).

### Section 3(a)(1)

The "informer's privilege is in reality the government's privilege to withhold from disclosure the identity of persons who furnish information of violations of law to officers charged with enforcement of the law." *Rovario v. United States*, 353 U.S. 53, 59 (1957); *see generally* Attorney General Opinion MW-575 (1982). As the comptroller had enforcement responsibility with regard to bingo operations at the times relevant to the requested documents, the informer's privilege may be invoked to protect the identities of individuals furnishing information to the comptroller. Additionally, the contents of an informer's statement may be withheld to the extent that it would tend to identify the informer. Open Records Decision No. 582 (1990).

Criminal history information was discussed at length in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 187-88 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). The court concluded that personal history and arrest records, i.e. compilations of identification, arrest and conviction records of individuals, were excepted from required public disclosure under section 3(a)(8) of the Open Records Act as law enforcement records. While there are some references to alleged criminal records in the documents submitted for our inspection, there are no compilations of the kind found to be excepted in *Houston Chronicle*, nor has the comptroller's office asserted any law enforcement interest in these references. Moreover, we do not find these references to be protected from required public disclosure by common-law privacy due to the obvious public interest in the background of gaming licensees. *See Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976). Accordingly, we will not further discuss criminal history information.

### **Section 3(a)(6)**

Section 3(a)(6) excepts from required public disclosure "drafts and working papers involved in the preparation of proposed legislation." This is a rarely invoked exception. In prior open records decisions we have employed an analysis similar to that used for section 3(a)(11) in that section 3(a)(6) has been held to protect and encourage the frank discussion of policy matters between the subordinates or advisors of a legislative body and the legislative body. Open Records Decision No. 460 (1987).

### **Section 3(a)(11)**

The purpose of section 3(a)(11) is to protect from public disclosure advice, opinion, and recommendation used in the deliberative process within an agency or between agencies. This protection is to encourage frank discussion in the deliberative process. See *Austin v. City of San Antonio*, 630 S.W.2d 391, 394 (Tex. App.--San Antonio 1982, writ ref'd n.r.e.); Open Records Decision No. 559 (1990). Factual information, where severable, must be released. *Id.*

## **II. The documents**

Documents submitted to this office total 316 pages. For ease of reference we have assigned page numbers to these documents as indicated below.

After a brief description of each document, we will discuss the applicability of the exception(s) to required public disclosure that have been asserted by the comptroller's office. Documents through page 57 were submitted to this office with your letter of August 5, 1991. Accordingly, we have considered the applicability of section 3(a)(11) to those documents in their entirety. The remainder of the documents were submitted with the June 22, 1990, request and were marked by the comptroller's office to indicate the portions the comptroller wished to withhold. With respect to those documents, we have considered the applicability of the informer's privilege aspect of section 3(a)(1) or section 3(a)(11), as appropriate, to the marked portions of the documents. We have considered the applicability of section 3(a)(6) to the document at pages 80-85, inclusive. The documents numbered pages 142 through 316, inclusive, have no markings to indicate that the comptroller wishes to withhold any portion of these documents from public release. Accordingly, we

have no basis for considering the applicability of any exceptions to these documents, and they must be released in their entirety. It is apparent that at least some of these documents have already been released. We have, for the sake of completeness, included a description of the documents numbered pages 142 through 316, inclusive, in our inventory of the documents submitted to us.

We understand that some documents were submitted to us for informational reasons (i.e., copies of the open records requests received by the comptroller's office and copies of correspondence between the comptroller's office and this office), and that you do not mean to assert exceptions to public disclosure with respect to those documents. In the interest of keeping the file complete, we have paginated those informational documents, but we have merely indicated that the asserted exceptions are not applicable to them.

- P. 1: TRANSMITTAL LETTER DATED AUGUST 5, 1991, SUBMITTED WITH DOCUMENTS RELATING TO OPEN RECORDS REQUEST.  
Exceptions not applicable.
- P. 2: MEMORANDUM DATED JUNE 12, 1990, FROM JOHN BENDER TO JOHN MOORE REGARDING WAYNE DOLCEFINO BINGO QUESTIONS.  
The comptroller's office asserts that this document is excepted from required public disclosure under section 3(a)(11) of the Open Records Act. However, the document factually recites the content of a telephone conversation between a reporter (incidentally, the requestor of the records in question here) and a staff member of the comptroller's office. Because the memorandum does not consist of advice, opinion, or recommendation, it is not excepted by section 3(a)(11). See Open Records Decision No. 559 (1990), at 4. This reasoning applies to the documents at pages 5 through 9 as well. Accordingly, these documents must be released.
- PP. 3-4: LETTER DATED JUNE 12, 1990, FROM WAYNE DOLCEFINO OF KTRK-TV TO COMPTROLLER BULLOCK REQUESTING INFORMATION UNDER TEXAS OPEN RECORDS ACT.  
Exceptions not applicable.
- P. 5: MEMORANDUM DATED JUNE 15, 1990, FROM JOHN BENDER TO JOHN MOORE REGARDING CALL FROM WAYNE DOLCEFINO.  
See page 2 above.
- P. 6: MEMORANDUM DATED JUNE 25, 1990, FROM JOHN BENDER TO COMPTROLLER BULLOCK REGARDING VISIT FROM WAYNE DOLCEFINO.  
See page 2 above.
- P. 7: MEMORANDUM DATED JULY 9, 1990, FROM JOHN BENDER TO JOHN MOORE REGARDING CALL FROM WAYNE DOLCEFINO.  
See page 2 above..

- P. 8: NOTE (UNDATED) TO COMPTROLLER BULLOCK FROM "GLEN" REGARDING CALL FROM WALTER BORGES OF "TEXAS LAWYER."  
See page 2 above.
- P. 9: MEMORANDUM DATED SEPTEMBER 12, 1990, FROM JOHN BENDER TO JOHN MOORE REGARDING CALL FROM WAYNE DOLCEFINO.  
See page 2 above.
- PP. 10-11: MEMORANDUM DATED JUNE 14, 1990, FROM JOE GRECO TO JOHN BENDER AND LARRY CRADDOCK REGARDING DRAFT RESPONSE TO DOLCEFINO.  
As a recommendation, this may be withheld under section 3(a)(11).
- P. 12: DOCUMENT DATED OCTOBER 4, 1990, REGARDING QUESTIONS POSED BY WAYNE DOLCEFINO.  
This appears to be entirely factual; accordingly, it may not be withheld under section 3(a)(11).
- PP. 13-15: BINGO ENFORCEMENT ACTIONS ANNOUNCED IN NEWS RELEASES NOVEMBER 22, 1988 - DECEMBER 20, 1988.  
As factual information, this may not be withheld under section 3(a)(11).
- P. 16: MEMORANDUM DATED JUNE 13, 1990, FROM JOE GRECO AND BOB SAWYER TO JOHN MOORE REGARDING WAYNE DOLCEFINO'S OPEN RECORDS REQUEST DATED JUNE 12, 1990.  
As factual information, this may not be withheld under section 3(a)(11).
- P. 17: DUPLICATE OF MEMORANDUM AT PAGE 2.  
See page 2 above.
- PP. 18-19: DUPLICATE OF REQUEST LETTER AT PAGES 3-4.  
Exceptions not applicable.
- PP. 20-21: SUMMARY OF INFORMATION REQUESTED BY WAYNE DOLCEFINO.  
As factual information, this may not be withheld under section 3(a)(11).
- P. 22: MEMORANDUM DATED NOVEMBER 15, 1988, FROM SARAH MARSHALL TO CLAUDIA STRAVATO REGARDING COST ESTIMATE FOR HOUSTON CHANNEL 13 OPEN RECORDS REQUEST.  
As factual information, this may not be withheld under section 3(a)(11).
- P. 23: DESCRIPTION OF INFORMATION PROVIDED CHANNEL 13 FROM OCTOBER TO NOVEMBER 1988.  
As factual information, this may not be withheld under section 3(a)(11).
- PP. 24-25: NOTE DATED APRIL 19, 1990, (AUTHOR NOT APPARENT) TO TONY [PROFFITT] REGARDING MEETING WITH MARY ROBBINS, A REPORTER.  
For the most part, this document describes a meeting between members of the comptroller's staff and a member of the press, and may not be withheld for the reason explained with respect to the document at page 2, above. However, the second paragraph under item 3 and the second, third and fourth paragraphs under item 7 consist of advice and opinion and may be withheld under section 3(a)(11).
- PP. 26-39: TRANSCRIPT OF TAPE-RECORDED MEETING WITH MARY ROBBINS ON APRIL 19, 1990.

As factual information, this may not be withheld under section 3(a)(11).

- PP. 40-45: MEMORANDUM DATED JUNE 21, 1990, FROM JOHN BENDER TO JOHN MOORE FORWARDING SEVERAL OPEN RECORDS REQUESTS FROM WAYNE DOLCEFINO.  
Exceptions not applicable.
- PP. 46-47: LETTER DATED AUGUST 5, 1991, FROM CRIL PAYNE TO MADELEINE JOHNSON REGARDING COMPTROLLER'S REQUEST FOR AN OPEN RECORDS DECISION (ID# 13195).  
Exceptions not applicable.
- PP. 48-49: LETTER DATED AUGUST 5, 1991, FROM CRIL PAYNE TO WAYNE DOLCEFINO.  
Exceptions not applicable.
- P. 50: WAYNE DOLCEFINO'S OPEN RECORDS REQUEST DATED JULY 25, 1991.  
Exceptions not applicable.
- P. 51: LETTER DATED AUGUST 7, 1991, FROM CRIL PAYNE TO MADELEINE JOHNSON REGARDING OPEN RECORDS DECISION REQUEST (ID# 13196).  
Exceptions not applicable.
- PP. 52-53: ATTORNEY GENERAL OPINION REQUEST DATED JUNE 22, 1990, FROM COMPTROLLER BULLOCK REGARDING WHO SHOULD FULFILL REQUIREMENTS OF OPEN RECORDS REQUEST (ID# 9895, RQ-2052).  
Exceptions not applicable.
- PP. 54-55: OPEN RECORDS DECISION REQUEST DATED JUNE 22, 1990, FROM COMPTROLLER BULLOCK (ID# 9896).  
Exceptions not applicable.
- PP. 56-57: LETTER DATED JULY 13, 1991, FROM SUSAN GARRISON TO COMPTROLLER SHARP REGARDING DISPOSITION OF LETTERS DESIGNATED ID#s 9895 AND 9896.  
Exceptions not applicable.
- P. 58: COVER MEMORANDUM FOR DOCUMENTS SUBMITTED TO ATTORNEY GENERAL'S OFFICE BY LARRY CRADDOCK JUNE 22, 1990 (COVERS PAGES 58 THROUGH 111).  
Exceptions not applicable.
- PP. 59-60: MEMORANDUM DATED OCTOBER 4, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING BINGO BRAIN INCORPORATED.  
Marked portion, i.e. the last two paragraphs, consists of advice and opinion and may be withheld under section 3(a)(11).
- PP. 61-62: MEMORANDUM DATED OCTOBER 5, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING BINGO BRAIN INCORPORATED.  
Marked sentence on page 61 is factual and must be released. Last sentence on page 62 is advice and may be withheld.
- P. 63: MEMORANDUM DATED OCTOBER 7, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING BINGO KING.

Marked sentence is factual. Moreover, it is not the advice opinion or recommendation of a comptroller employee or of a consultant to the comptroller. Accordingly, it must be released.

P. 64: MEMORANDUM DATED OCTOBER 21, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING TEXAS COUNCIL OF CRIME & DELINQUENCY (TCCD).  
Marked sentence may be withheld as recommendation.

P. 65: MEMORANDUM DATED OCTOBER 24, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING TCCD.  
Marked portion (handwritten note at bottom of memo) is factual and may not be withheld under section 3(a)(11).

P. 66: MEMORANDUM DATED NOVEMBER 8, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING INSPECTION OF WORLD WIDE PRESS/MONTANA.  
Last sentence of memo may be withheld as recommendation. Other marked portion is not advice, opinion, or recommendation and may not be withheld under section 3(a)(11).

P. 67: MEMORANDUM DATED NOVEMBER 15, 1988, FROM CLAUDIA STRAVATO TO COMPTROLLER BULLOCK REGARDING STATUS OF SPECIAL BINGO AUDITS.  
Marked portions are advice or opinion and may be withheld.

P. 68: MEMORANDUM DATED NOVEMBER 17, 1988, FROM CLAUDIA STRAVATO TO COMPTROLLER BULLOCK REGARDING HOUSTON BINGO INVESTIGATION STATUS.  
This document is factual, contains no advice, opinion, or recommendation, and may not be withheld under section 3(a)(11). Consequently, it must be released.

P. 69: MEMORANDUM DATED DECEMBER 13, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING INSTANT TICKET FACTORY.  
This document contains no advice, opinion, or recommendation, and may not be withheld under section 3(a)(11). Nor is any informer's privilege evident as no violation is reported. It must be released.

P. 70: MEMORANDUM DATED JANUARY 10, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING APPLICATION TO MANUFACTURE BINGO SUPPLIES, BINGO RESOURCES/HOUSTON.  
The third paragraph may be withheld under section 3(a)(11) as a recommendation. However, there is no apparent section 3(a)(11) or informer's privilege interest in any of the other marked information on this document. With the exception of the third paragraph, the document must be released.

P. 71: MEMORANDUM DATED JANUARY 17, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING COMPLAINT OF ILLEGAL GAMING OPERATIONS.  
The name of the informant may be withheld, but it is not apparent, nor have you explained how releasing the names of the persons complained against will tend to identify the informant. Accordingly, the balance of the document must be released.

P. 72: DUPLICATE OF MEMORANDUM AT PAGE 70.

See page 70 above.

- P. 73: MEMORANDUM DATED JANUARY 19, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING INQUIRY ABOUT LICENSING.  
No informer's privilege is apparent in this document as it alleges no violation. It must be released.
- P. 74: MEMORANDUM DATED JANUARY 23, 1989, FROM CLAUDIA STRAVATO TO JAMES MERCER AND JOHN LOVE REGARDING BINGO RESOURCES MANUFACTURER'S APPLICATION.  
There is no advice, opinion, or recommendation in this document. It must be released.
- P. 75: MEMORANDUM DATED JANUARY 25, 1989, FROM CLAUDIA STRAVATO TO JAMES MERCER REGARDING RECURRING BINGO MAILOUTS AND INSERTS.  
Though this memorandum is scolding in tone, it consists of instructions to staff, not advice or recommendation. Accordingly, it must be released.
- PP. 76-77 MEMORANDUM DATED FEBRUARY 1, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING EAST LANCASTER BINGO.  
The marked paragraph on page 76 may be withheld as recommendation. However, none of the information on page 77 consists of advice, opinion, or recommendation and must be released.
- P. 78: MEMORANDUM DATED MARCH 2, 1989, FROM CLAUDIA STRAVATO TO COMPTROLLER BULLOCK REGARDING BINGO BUGLE LETTER.  
This memorandum describes letters attached for the comptroller's signature. If the letters were in fact sent, this memo would contain no information withholdable under section 3(a)(11). See Open Records Decision No. 559 (1990). However, copies of the referenced letters are not in the file. Unless it can be established that the referenced letters were not sent, this document must be released.
- P. 79: COVER MEMORANDUM DATED MARCH 6, 1989, FROM COMPTROLLER BULLOCK TO CLAUDIA STRAVATO.  
Exceptions not applicable.
- P. 80: MEMORANDUM DATED MARCH 3, 1989, FROM CLAUDIA STRAVATO TO COMPTROLLER BULLOCK REGARDING BINGO COMMISSION.  
This document may be withheld under section 3(a)(6).
- P. 81: ANALYSIS OF PROPOSED BILL CREATING BINGO COMMISSION.  
It is not apparent from the file who prepared this analysis, or who its intended audience was. To the extent it factually describes proposed legislation actually filed in the legislature (as it appears to do), it must be released. To the extent it describes a proposal that was never filed in the legislature, it may be withheld.
- PP. 82-85: PROPOSED BILL CREATING BINGO COMMISSION.  
If this bill was actually filed in the legislature, it must be released. If it represents a proposal that was never actually filed, it may be withheld.

- P. 86: MEMORANDUM DATED MARCH 8, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING COMPLAINT OF ILLEGAL GAMING OPERATIONS.  
The name of the informant and the other marked information in the first sentence of this memorandum may be withheld. However, it is not apparent how the name of the person complained against or any of the other marked information in the memo would tend to identify the informant. Accordingly, after the first sentence only the name of the informant may be withheld.
- P. 87: MEMORANDUM DATED MARCH 13, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING PEGGY HUFF.  
No informant is identified. This document must be released in its entirety.
- P. 88: MEMORANDUM DATED MARCH 30, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING BINGO KING.  
No section 3(a)(11) or informer's privilege interest is apparent in this document; it must be released.
- P. 89: MEMORANDUM DATED MAY 1, 1989, FROM CLAUDIA STRAVATO TO JAMES MERCER AND TERRY JARVIS REGARDING REGULATORY TAXES PENDING FILE.  
While the tone of this memorandum is scolding, it consists of instructions to staff, not advice, opinion, or recommendation. It must be released.
- P. 90: MEMORANDUM DATED MAY 23, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING KNIGHTS OF COLUMBUS 4709 COMPLAINT.  
The name of the informant may be withheld; the name of the organization complained against must be released.
- PP. 91-92: MEMORANDUM DATED JUNE 21, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING WORLD WIDE PRESS, INC.  
Nothing in this document has been marked, nor is any section 3(a)(11) or informer's privilege interest apparent. It must be released.
- P. 93: MEMORANDUM DATED JULY 14, 1989, FROM CLAUDIA STRAVATO TO COMPTROLLER BULLOCK REGARDING BINGO BRIEFING PAPER.  
This is not advice, opinion, or recommendation and must be released.
- PP. 94-103: REPORT DATED JULY 14, 1989, FROM CLAUDIA STRAVATO AND JOE GRECO TO COMPTROLLER BULLOCK, TITLED "BINGO BRIEFING PAPER."  
Report has following divisions: History of [Bingo] Legalization, Major Problems Encountered Regulating Bingo, Corrective Actions Taken by Comptroller's Office (which includes a subdivision entitled 1988 Attorney General Opinion Requests), Allegations of Corruption in Bingo, Legislative Reform Comes with Transfer, and Conclusion. Except for the section entitled "Conclusion" on page 103, this is factual and must be released.
- P. 104: MEMORANDUM DATED JULY 24, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING COMPLAINT OF ILLEGAL GAMING OPERATIONS.

The name of the informant may be withheld; the name of the organization complained against must be released.

- P. 105: MEMORANDUM DATED AUGUST 1, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING COMPLAINT.  
The name of the informant and the organization to which he belongs may be withheld; the name of the organization complained against may not. The marked sentence in the last paragraph may be withheld as recommendation.
- P. 106: MEMORANDUM DATED AUGUST 9, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING INSTANT TICKET FACTORY APPLICATION.  
No informant's privilege or section 3(a)(11) interest is apparent. The document must be released.
- P. 107: MEMORANDUM DATED AUGUST 14, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING COMPLAINT.  
No allegation of wrong doing is apparent in this complaint. Accordingly, the informer's privilege is not indicated.
- P. 108: MEMORANDUM DATED AUGUST 16, 1989, TO CLAUDIA STRAVATO, JACK ROBERTS, AND TONY PROFFITT (AUTHOR NOT EXPRESSLY IDENTIFIED).  
This memorandum contains factual statements and instructions to staff rather than advice, opinion, or recommendation, and must be released.
- P. 109: MEMORANDUM DATED AUGUST 17, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING ABILENE BINGO TAX ALLOCATION.  
The marked sentence may be withheld as opinion.
- P. 110: MEMORANDUM DATED AUGUST 17, 1989, FROM CLAUDIA STRAVATO TO COMPTROLLER BULLOCK REGARDING ABILENE BINGO TAX ALLOCATION PROBLEM.  
The last two sentences may be withheld as opinion, but the other marked information is factual and must be released.
- P. 111: MEMORANDUM DATED AUGUST 18, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING COMPLAINT AGAINST HUMBLE BINGO.  
The name of the informant may be withheld; the name of the organizations complained against must be released.
- P. 112: COVER MEMORANDUM FOR ADDITIONAL DOCUMENTS SUBMITTED TO THE ATTORNEY GENERAL'S OFFICE BY LARRY CRADDOCK.  
Exceptions not applicable.
- P. 113: MEMORANDUM DATED NOVEMBER 28, 1984, FROM JOHNNIE B. ROGERS TO CLAUDIA STRAVATO REGARDING REVEREND WITHERSPOON.  
The marked sentence is factual and may not be withheld.
- P. 114: MEMORANDUM DATED FEBRUARY 10, 1987, FROM JIM TEAVER AND JOHNNIE B. ROGERS TO COMPTROLLER BULLOCK REGARDING SOUTHERN ENTERTAINMENT.

The marked information above the last paragraph may be withheld as information identifying or tending to identify an informer. However the last paragraph is not, strictly speaking, a statement of opinion, but rather states a connection between the complaint and a pending licensing matter.

- P. 115: MEMO DATED FEBRUARY 12, 1987, FROM JIM TEAVER AND JOHNNIE B. ROGERS TO COMPTROLLER BULLOCK REGARDING PROPOSED COMMERCIAL LESSOR.  
The last sentence may be withheld as a recommendation.
- P. 116: MEMORANDUM DATED FEBRUARY 12, 1987, FROM JOHNNIE B. ROGERS TO COMPTROLLER BULLOCK, REGARDING CORPUS CHRISTI AUDITS.  
The last two sentences may be withheld as recommendation.
- PP. 117-118: MEMORANDUM DATED FEBRUARY 17, 1987, FROM JOHNNIE B. ROGERS TO COMPTROLLER BULLOCK REGARDING NON-FILERS AND LIABILITIES FOR THE FOURTH QUARTER, 1986.  
The only information sought to be withheld is the handwritten comment on page 118, however, this instruction is not advice, opinion, or recommendation, and must be released.
- P. 119: MEMORANDUM DATED FEBRUARY 19, 1987, FROM JOHNNIE B. ROGERS TO COMPTROLLER BULLOCK REGARDING AMERICAN LEGION POST 49 AUX.  
The marked sentence reveals no advice, opinion, or recommendation that is not evident from the balance of the memorandum. The document must be released in its entirety.
- P. 120: MEMORANDUM DATED FEBRUARY 20, 1987, FROM JOHNNIE B. ROGERS TO COMPTROLLER BULLOCK REGARDING ALL SAINTS CHARITY BINGO.  
The last sentence of the first paragraph may be withheld as opinion. The last sentence of the memorandum may be withheld as recommendation.
- P. 121: MEMORANDUM DATED FEBRUARY 24, 1987, FROM JOHNNIE B. ROGERS TO COMPTROLLER BULLOCK REGARDING ELKS LODGE 751.  
No informer is identified. The document must be released in its entirety.
- P. 122: MEMORANDUM DATED FEBRUARY 25, 1987, REFERRING TO COMPLAINT LETTER (COMPLAINT LETTER NOT IN FILE).  
The informants name may be withheld. The attachment referred to is not in the file.
- P. 123: MEMORANDUM DATED FEBRUARY 26, 1987, FROM JOHNNIE B. ROGERS TO COMPTROLLER BULLOCK REGARDING TEXAS BINGO PALACE.  
The last sentence may be withheld as recommendation.
- P. 124: COVER LETTER DATED FEBRUARY 26, 1987, FROM JOHNNIE B. ROGERS TO WELDON KIDD REGARDING BINGO INVESTIGATIONS.  
The only information sought to be withheld is the handwritten notation of two names. As no reason for withholding this information is given or is apparent, the document must be released in its entirety.
- P. 125: LETTER DATED FEBRUARY 26, 1987, FROM JOHNNIE B. ROGERS TO WELDON KIDD REGARDING BINGO INVESTIGATION.

No informer is identified. The document must be released in its entirety. The referenced report is not in the file.

P. 126: LETTER DATED FEBRUARY 26, 1987, FROM JOHNNIE B. ROGERS TO WES MIKEL REGARDING BINGO INVESTIGATION.

No informer is identified. The document must be released in its entirety. The referenced report is not in the file.

P. 127: NOTE DATED MARCH 4, 1987, FROM JOHNNIE B. ROGERS TO COMPTROLLER BULLOCK REGARDING BILLY JACK NOLES.

The organization to which the informers belong may be withheld as tending to identify the informers. The name of the person complained against may not be withheld. The last sentence may be withheld as recommendation.

P. 128: MEMORANDUM DATED MARCH 6, 1987, FROM JOHNNIE B. ROGERS TO JAMES TEAVER REGARDING PROPOSED REVOCATION APPROVAL.

As the referenced proposed revocation was an official action of the comptroller's, this is not excepted under section 3(a)(11).

PP. 129-130: NOTICE OF PROPOSED REVOCATION DATED MARCH 6, 1987, ISSUED TO BILLY JACK NOLES, SIGNED BY COMPTROLLER BULLOCK.

Official actions of a state agency may not be withheld under section 3(a)(11). This document must be released in its entirety.

PP. 131-133: MEMORANDUM DATED MARCH 6, 1987, FROM JIM TEAVER, JOHNNIE B. ROGERS, AND JERRY FISHER TO COMPTROLLER BULLOCK REGARDING BERTANI MEETING.

This document may be withheld in its entirety as advice, opinion, and recommendation.

PP. 134-135: REPORT DATED APRIL 2, 1987, FROM JOHNNIE B. ROGERS TO COMPTROLLER BULLOCK REGARDING CHRONOLOGY OF BAYTOWN BINGO AUDITS.

The last two sentences of the first paragraph may be withheld as opinion. The remainder of the marked material must be released.

P. 136: MEMORANDUM DATED APRIL 24, 1987, FROM JOHNNIE B. ROGERS TO COMPTROLLER BULLOCK REGARDING COMPLAINT.

As the referenced memorandum is not in the file we cannot determine that the person whose name is sought to be withheld is an informant. If this is the case, please advise. If the marked name is that of an informant, it may be withheld.

PP. 137-138: MEMORANDUM DATED MAY 4, 1987, FROM JOHNNIE B. ROGERS TO COMPTROLLER BULLOCK REGARDING PROPOSED AUDIT SCHEDULE.

The only parts of this memorandum that represent recommendations are the proposed dates and the proposed auditors. These names and dates may be withheld; the balance of the information must be released.

P. 139: MEMORANDUM DATED MAY 11, 1987, FROM JOHNNIE B. ROGERS TO WILLIS WHATLEY REGARDING CALL FROM GOVERNOR CLEMENT'S OFFICE.

This document is factual and must be released in its entirety.

P. 140: MEMORANDUM DATED MAY 12, 1987, FROM JOHNNIE B. ROGERS TO COMPTROLLER BULLOCK REGARDING ROY ARNOLD.

This document is factual and must be released in its entirety. The referenced DPS report is not in the file.

P. 141: MEMORANDUM DATED MAY 13, 1987, FROM JOHNNIE B. ROGERS TO CLAUDIA STRAVATO REGARDING QUARTERLY REVIEW.

The only information on this document sought to be withheld is a handwritten note that is factual in nature and must be released.

No information on documents numbered pages 142-316, inclusive, was marked to indicate that the comptroller sought to withhold it; accordingly, these documents must be released:

PP. 142-143: LETTER DATED JULY 2, 1990, FROM LARRY CRADDOCK TO WAYNE DOLCEFINO REGARDING DOLCEFINO'S OPEN RECORDS REQUEST.

Exceptions not applicable.

PP. 144-147: CLAUDIA STRAVATO'S CURRICULUM VITAE.

Exceptions not applicable.

P. 148: LETTER DATED JULY 2, 1990, FROM LARRY CRADDOCK TO WAYNE DOLCEFINO.

Exceptions not applicable.

PP. 149-150: LETTER DATED JUNE 22, 1990, FROM JOHN BENDER TO WAYNE DOLCEFINO.

Exceptions not applicable.

P. 151: MEMORANDUM DATED OCTOBER 3, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING BINGO PRODUCTS OF HOUSTON INCORPORATED.

P. 152: COMPUTER GENERATED REPORT DATED SEPTEMBER 28, 1988, DETAILING LICENSE EXPIRATION.

P. 153: MEMORANDUM DATED OCTOBER 3, 1988, FROM CLAUDIA STRAVATO TO JAMES MERCER REGARDING ILLEGAL SIGNS.

P. 154: MEMORANDUM DATED OCTOBER 10, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING MOOSE LODGE 1519/HOUSTON.

PP. 155-156: MEMORANDUM DATED OCTOBER 19, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING BINGO ISSUES PENDING.

P. 157: MEMORANDUM DATED OCTOBER 20, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING SCARECROW PROPERTIES INCORPORATED/CARD MINDER.

P. 158: MEMORANDUM DATED OCTOBER 24, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING LETTER RECEIVED FROM MICHAEL SCHALK, ATTORNEY FOR BINGO KING.

P. 159: MEMORANDUM DATED OCTOBER 25, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING WORLD WIDE PRESS/MONTANA, MANUFACTURING PLANT INSPECTION.

- P. 160: MEMORANDUM DATED OCTOBER 28, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING KAREN JOHNSON, ATTORNEY FOR BINGO KING.
- P. 161: MEMORANDUM DATED OCTOBER 31, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING BINGO RESOURCES/PLANT INSPECTION CONFIRMATION.
- P. 162: MEMORANDUM DATED OCTOBER 31, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING RULE 3.558 PROGRESS-IDENTIFICATION OF DISPOSABLE PAPER.
- P. 163: MEMORANDUM DATED NOVEMBER 1, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING TELEPHONE CALL FROM BILL FAUST, ATTORNEY FOR BINGO KING.
- P. 164: MEMORANDUM DATED NOVEMBER 2, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING AUDITS UNDERWAY IN HOUSTON/BEAUMONT AREA.
- P. 165: MEMORANDUM DATED NOVEMBER 4, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING OVERTIME APPROVAL REQUEST FOR KIM KAMPERT.
- P. 166: MEMORANDUM DATED NOVEMBER 7, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING OVERTIME PAYMENT APPROVAL REQUEST FOR SARAH MARSHALL/HOUSTON MEDIA PROJECT.
- P. 167: MEMORANDUM DATED NOVEMBER 7, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING AUDIT REVIEW MEETING.
- P. 168: MEMORANDUM DATED NOVEMBER 10, 1988, FROM CLAUDIA STRAVATO TO COMPTROLLER BULLOCK REGARDING BINGO BACKGROUND INFORMATION.
- P. 169: MEMORANDUM DATED NOVEMBER 14, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING TERRY TATE LICENSES.
- P. 170: MEMORANDUM DATED NOVEMBER 14, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING DEPARTMENT OF PUBLIC SAFETY CHECK FOR AUGUST 1, 1987.
- P. 171: MEMORANDUM DATED NOVEMBER 18, 1988, FROM JAMES MERCER TO COMPTROLLER BULLOCK REGARDING ACE BINGO SUPPLIES.
- P. 172: MEMORANDUM DATED NOVEMBER 22, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING SATURDAY CLEANUP WORKDAY-REQUEST OVERTIME PAID.
- P. 173: MEMORANDUM DATED NOVEMBER 27, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING ROBERT E. JONES.
- PP. 174-175: MEMORANDUM DATED NOVEMBER 27, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING JACQUELINE MADELEY.
- PP. 176-178: MEMORANDUM DATED NOVEMBER 27, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING TERRY TATE HALL INFORMATION.
- P. 179: MEMORANDUM DATED NOVEMBER 27, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING BILL DORE - ALL STAR WEST.

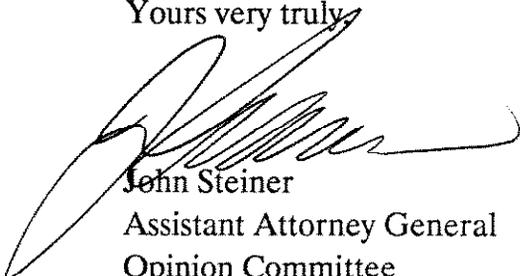
- P. 180: MEMORANDUM DATED NOVEMBER 29, 1988, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING MR. HEDRICK/GOLD CROWN BINGO INCORPORATED.
- P. 181: MEMORANDUM DATED NOVEMBER 29, 1988, FROM JAMES MERCER TO COMPTROLLER BULLOCK REGARDING BILL DORE'S BINGO COMMERCIAL LESSOR HALLS/HOUSTON AND BEAUMONT.
- P. 182: MEMORANDUM DATED DECEMBER 15, 1988, FROM CLAUDIA STRAVATO TO COMPTROLLER BULLOCK REGARDING SPECIAL HOUSTON/GALVESTON BINGO AUDIT PROGRAM (REFERENCED ATTACHMENT NOT INCLUDED).
- P. 183: MEMORANDUM DATED JANUARY 6, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING NOTICE MANUFACTURING PLANT INSPECTION ON JANUARY 9, 1989/BINGO RESOURCES-HOUSTON, TEXAS.
- P. 184: MEMORANDUM DATED JANUARY 23, 1989, FROM CLAUDIA STRAVATO TO JAMES MERCER, JOHN LOVE, BOB FALLS, FRANK CONIGLIO, AND AMY HARRISON REGARDING MANUFACTURER/DISTRIBUTOR APPLICATIONS.
- P. 185: MEMORANDUM DATED JANUARY 25, 1989, FROM CLAUDIA STRAVATO TO COMPTROLLER BULLOCK REGARDING GREG WILSON BINGO LOBBY ASSOCIATION.
- P. 186: MEMORANDUM DATED JANUARY 25, 1989, FROM CLAUDIA STRAVATO TO COMPTROLLER BULLOCK REGARDING BINGO COUNTER COMPLETION.
- P. 187: MEMORANDUM DATED JANUARY 25, 1989, FROM CLAUDIA STRAVATO TO JAMES MERCER REGARDING QUARTERLY DISTRIBUTION OF AUTHORIZED BINGO MANUFACTURERS, DISTRIBUTORS, AND REPRESENTATIVES.
- P. 188: MEMORANDUM DATED JANUARY 26, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING VFW SEMINAR/JANUARY 26, 1989.
- P. 189: MEMORANDUM DATED FEBRUARY 6, 1989, FROM CLAUDIA STRAVATO TO JAMES MERCER REGARDING REPRESENTATIVE RESOLUTIONS.
- P. 190: MEMORANDUM DATED FEBRUARY 7, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING WORLD WIDE PRESS/MANUFACTURING APPLICATION.
- P. 191: MEMORANDUM DATED FEBRUARY 7, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING AUSTIN BINGO - TWIN OAKS SHOPPING CENTER.
- P. 192: MEMORANDUM DATED FEBRUARY 15, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING RENE GEWIN COMMERCIAL LESSOR FOR AUSTIN BINGO/AUSTIN, TEXAS.
- P. 193: MEMORANDUM DATED FEBRUARY 21, 1989, FROM CLAUDIA STRAVATO TO COMPTROLLER BULLOCK REGARDING BINGO TRANSFER MAILINGS.
- P. 194: MEMORANDUM DATED FEBRUARY 22, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING DRIPPING SPRINGS SEMINAR.

- P. 195: MEMORANDUM DATED MARCH 3, 1989, FROM CLAUDIA STRAVATO TO JAMES MERCER REGARDING IMMEDIATE FIELD ASSIGNMENTS.
- P. 196: MEMORANDUM DATED MARCH 7, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING ANONYMOUS CALL.
- P. 197: MEMORANDUM DATED MARCH 28, 1989, FROM CLAUDIA STRAVATO TO JAMES MERCER REGARDING 89-2 QUARTERLY SELECT FIELD ASSIGNMENTS.
- P. 198: MEMORANDUM DATED APRIL 4, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING MANUFACTURER /DISTRIBUTOR LETTERS.
- P. 199: MEMORANDUM DATED APRIL 13, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING BINGO KING.
- P. 200: MEMORANDUM DATED APRIL 28, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING INSPECTION OF MANUFACTURER'S PLANT.
- P. 201: MEMORANDUM DATED MAY 3, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING LAKE WORTH VOLUNTEER FIRE DEPARTMENT AUXILIARY.
- P. 202: MEMORANDUM DATED MAY 8, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING RAD SALLEE - HOUSTON CHRONICLE'S ARTICLE.
- P. 203: MEMORANDUM DATED MAY 15, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING ST. LO UNITED METHODIST CHURCH SEMINAR/MAY 13, 1989.
- P. 204: MEMORANDUM DATED MAY 22, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING ADVERTISEMENT VIOLATION ON DAKA ENTERPRISE/HUMBLE, TEXAS AND JACKPOT BINGO/WICHITA FALLS, TEXAS.
- P. 205: MEMORANDUM DATED JUNE 19, 1989, FROM CLAUDIA STRAVATO TO JAMES MERCER REGARDING DPS FOLLOW-UP.
- P. 206: MEMORANDUM DATED JUNE 19, 1989, FROM CLAUDIA STRAVATO TO JAMES MERCER REGARDING BINGO KING.
- P. 207: MEMORANDUM DATED JUNE 28, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING MEETING WITH JOE PAYNE.
- P. 208: MEMORANDUM DATED JULY 10, 1989, FROM CLAUDIA STRAVATO TO JAMES MERCER REGARDING PULL TABS SOLD AT LOCAL STORE.
- P. 209: MEMORANDUM DATED JULY 21, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING MEETING WITH JOE PAYNE AT TABC.
- P. 210: MEMORANDUM DATED JULY 24, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING MICHAEL LORENTZ OF SLICERS SANDWICH SHOP.
- P. 211: MEMORANDUM DATED JULY 27, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING CALL FROM RANDY SCOTT/TEXAS A&M RESEARCH CENTER.

- P. 212: MEMORANDUM DATED JULY 27, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING PHONE CALL FROM RICK HUELETT OF TABC.
- P. 213: MEMORANDUM DATED JULY 27, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING TELEPHONE CALL FROM JOE PAYNE OF TABC.
- P. 214: MEMORANDUM DATED JULY 28, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING TELEPHONE CALL FROM JOE PAYNE.
- P. 215: MEMORANDUM DATED JULY 28, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING FOLLOW-UP ON TEXAS A&M TESTING CONTRACT.
- P. 216: MEMORANDUM DATED JULY 31, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING PHONE CALL FROM JOE PAYNE.
- P. 217: MEMORANDUM DATED JULY 31, 1989, FROM CLAUDIA STRAVATO TO JAMES MERCER REGARDING CALL TO BE MADE AT COMPTROLLER BULLOCK'S REQUEST.
- P. 218: MEMORANDUM DATED SEPTEMBER 5, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING RENEWAL OF NAGRA MEMBERSHIP.
- P. 219: MEMORANDUM DATED SEPTEMBER 12, 1989, FROM JAMES MERCER TO CLAUDIA STRAVATO REGARDING NAGRA CONVENTION IN LAS VEGAS.
- PP. 220-232: INTERAGENCY AGREEMENT FOR THE TRANSFER OF RESPONSIBILITIES FOR ADMINISTRATION AND ENFORCEMENT OF THE BINGO ENABLING ACT BETWEEN THE COMPTROLLER OF PUBLIC ACCOUNTS AND TABC.
- PP. 233-316: COMPTROLLER OF PUBLIC ACCOUNTS NEWS RELEASES, 1988-1989 GENERALLY.

This concludes our consideration of the documents submitted for our review. Except as specifically provided above, all information submitted for our review must be released. If you have questions concerning this file, please reference ID# 13194.

Yours very truly,



John Steiner  
Assistant Attorney General  
Opinion Committee

JS/GCK/lb

Ref.: ID Nos. 13195, 13194, 9896, 9972, 10222

Enclosures: Returned documents

cc: Mr. Wayne Dolcefino  
KTRK-TV, Channel 13  
Post Office Box 13  
Houston, Texas 77001

Bob Bullock  
Lieutenant Governor  
P.O. Box 12068  
Austin, Texas 78711

Alcoholic Beverage Commission  
5806 Mesa Drive  
Austin, Texas 78731