



Office of the Attorney General
State of Texas

July 31, 1992

DAN MORALES
ATTORNEY GENERAL

Ms. Terry White
City Secretary
Bridge City
P. O. Box 846
Bridge City, Texas 77611

OR92-432

Dear Ms. White:

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# 16527.

You have received two requests for a copy of a tape recording of a municipal court judge performance evaluation conducted by a committee appointed by the city council of Bridge City. You claim that the tape recording is excepted from required public disclosure by sections 3(a)(3) and 3(a)(11) of the Open Records Act.

The Open Records Act places on the custodian of public records the burden of establishing that records are excepted from public disclosure. Attorney General Opinion H-436 (1974). You have submitted to us for review the requested tape recording; however, it is inaudible. Consequently, this office is unable to consider your request for an open records decision. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381 (Tex. App.--Austin 1990, no writ). Should you within seven days of receipt of this letter submit a transcript or an audible copy of the tape recording, we will reconsider your request. Otherwise, we will consider all discretionary exceptions to required public disclosure waived unless you can demonstrate compelling reasons why the information should not be released.

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 OR92-432.

Yours very truly,

A handwritten signature in cursive script that reads "Kay Guajardo". The signature is written in black ink and is positioned above the typed name.

Kay Guajardo
Assistant Attorney General
Opinion Committee

KHG/GCK/lmm

Ref.: ID# 16527
ID# 16619
ID# 16702