



Office of the Attorney General
State of Texas

August 24, 1992

DAN MORALES
ATTORNEY GENERAL

Ms. Debbie Smith
General Counsel
Texas Funeral Service Commission
8100 Cameron Road
Building B, Suite 550
Austin, Texas 78753

OR92-508

Dear Ms. Smith:

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# 16622.

The Texas Funeral Service Commission (the "commission") received an open records request for its "investigative file" on a particular complaint against a funeral home. You contend that the requested information is deemed confidential by V.T.C.S. article 4582b, and thus must be withheld pursuant to section 3(a)(1) of the Open Records Act, which protects "information deemed confidential by law, either Constitutional, *statutory*, or by judicial decision." [Emphasis added.]

Section 6D(a) of article 4582b provides for the creation of an "information file" pertaining to complaints against funeral directors, embalmers, apprentices, and funeral establishments. Section 6D(b) provides:

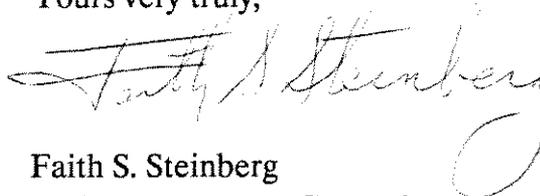
The commission shall include in each information file a description of the complaint, the date on which the complaint was filed, the name of the complainant, a description of any information obtained by the commission after investigating the complaint, a description and date of any formal actions taken by the commission relating to the complaint, a description of the current status of the complaint, and other information that the commission considers appropriate.

Section 6(D)(d) further provides that the information file is public, except for "information in the file obtained by the commission after investigating the complaint."

You have submitted to this office for review correspondence from the funeral home that is the subject of the complaint as well as other documents that the commission received during its investigation of the complaint.¹ Because these records were obtained by the commission as a result of its investigation, the commission must withhold these documents pursuant to article 4582b.

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 OR92-508.

Yours very truly,



Faith S. Steinberg
Assistant Attorney General
Opinion Committee

FS/RWP/lmm

Ref.: ID# 16622

cc: Mr. R. Stephen Woodfin
Baker, Brown & Dixon
Brookhollow II, Suite 900
2221 East Lamar Boulevard
Arlington, Texas 76006

¹You have also submitted a document entitled "Complaint Review Committee Recommendations" that consists of the complaint number, a summary of the complaint, the commission's findings, and recommendations concerning disposition of the complaint. This record appears to consist of the type of information expressly made public by section 6(D)(d), and you have informed this office that the commission makes this type of record available to the public.