



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 20, 1995

Mr. Frank Stenger-Castro
General Counsel
Texas Workers' Compensation
Insurance Facility
8303 MoPac Expressway North - Suite 310
Austin, Texas 78759-8396

OR95-1553

Dear Mr. Stenger-Castro:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36760.

The Texas Workers' Compensation Insurance Facility (the "facility") received an open records request for "copies of all minutes from the September 15, 1994 meeting of the [facility]."¹ The requestor also seeks copies of "the proxy submittals for the October 12, 1994 and October 14, 1994 Special Meeting of the Members or the Governing Committee Meeting for the vote on an amendment to Article 10." You seek to withhold the requested information pursuant to the "litigation" exception, section 552.103 of the Government Code.

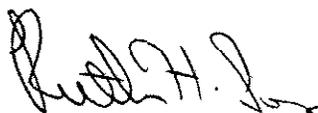
Your request is governed by prior decisions of this office. In Open Records Decision Nos. 146 (1976) and 43 (1974), this office determined that information expressly made public by statute cannot be withheld from the public pursuant to the statutory predecessor to section 552.103. The minutes of a public meeting held pursuant to the Open Meetings Act are specifically made public in section 551.022 of the Government Code. Accordingly, the requested minutes must be released to the requestor. *Cf.* Open Records Decision No. 221 (1979) (statutory predecessor to section 552.103 does not under any imaginable circumstances protect minutes of school board's public meeting).

¹You explain that the facility is subject to the Texas Open Meetings Act, chapter 551 of the Government Code. See Ins. Code art. 5.76-2, § 2.11.

For similar reasons, we conclude that the proxy submittals sought by the requestor are also public information. *See* Gov't Code § 551.021(b) (minutes must reflect vote taken during public meeting). *See also* Attorney General Opinion H-1163 (1978) (use of secret ballot in meeting of governmental body violates Open Meetings Act). Accordingly, the facility must also release all of the proxy submittals.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy".

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/RWP/rho

Ref.: ID# 36760

cc: Ms. Tracy Walls
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