



Office of the Attorney General  
State of Texas

December 21, 1995

DAN MORALES  
ATTORNEY GENERAL

Mr. Ed Salazar  
Staff Attorney  
State Fire Marshal's Office  
Texas Commission on Fire Protection  
P.O. Box 2286  
Austin, Texas 78768-2286

OR95-1568

Dear Mr. Salazar:

On behalf of The Texas Commission on Fire Protection (the "commission"), you have requested that this office reconsider Open Records Letter No. 95-243 (1995). Your request for reconsideration was assigned ID# 33590. In that ruling, this office concluded that the requested information "may be withheld under section 552.108 of the Government Code *except to the extent that it contains first page offense report material.*" Although we did not indicate as much in the ruling, we marked the information that may be withheld under section 552.108. We assume from your letter requesting clarification of Open Records Letter No. 95-243 (1995) that you do not agree with our markings. Furthermore, you ask how the decision was made as to what information may be withheld under section 552.108.

The documents at issue relate to an active investigation by the State Fire Marshal's Office. Open Records Letter No. 95-642 (1995) is a "previous determination" pursuant to section 552.301 of the Government Code for records of active investigations the commission wishes to withhold under section 552.108. In light of our "previous determination," we believe your request for reconsideration is now moot. You may disregard the markings from this office on the documents in question and rely on the marked documents at issue in Open Records Letter No. 95-642 (1995) as a guide for releasing information deemed public under *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

Yours very truly,

A handwritten signature in cursive script that reads "Loretta R. DeHay".

Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/LBC/rho

Ref: ID# 33590

Enclosures: Open Records Letter No. 95-642 (1995)  
Submitted documents

cc: Mr. Charlie Johnson  
Edwards, Terry, Baiamonte & Edwards  
Attorneys at Law  
P.O. Drawer 480  
Corpus Christi, Texas 78403-0480  
(w/o enclosures)