



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 10, 1996

Mr. Firmin A. Hickey, Jr.
11511 Katy Freeway, Suite 225
Houston, Texas 77079

OR96-0013

Dear Mr. Hickey:

On behalf of the City of Mont Belvieu (the "city"), you ask us to reconsider our decision in Open Records Letter No. 95-550 (1995). In addition you assert that sections 552.106 and 552.109 except the requested information from required public disclosure. Your request for reconsideration was assigned ID# 35158.

Open Records Letter No. 95-550 (1995) concerned a request for "a certified copy of all evaluations since 5/92 to present." The letter concluded that the city may not withhold from required public the requested information based on section 552.102 of the Government Code.

We now conclude that, for the reasons stated in Open Records Letter No. 95-550, we decline to reconsider the applicability of section 552.102 of the Government Code to the requested information. Furthermore, we do not address the applicability of sections 552.106 and 552.109, as the city did not raise those exceptions to public disclosure within the ten-day deadline of section 552.301(a) of the Government Code. *See* Open Records Decision No. 630 (1994). Accordingly, the city must release the information.

We are resolving this matter with this 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 may 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 cursive script, appearing to read "Kay Guajardo".

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/ch

Ref.: ID# 35158

Enclosures: Submitted documents

cc: Ms. Mary Green
P.O. Box 104
Mont Belvieu, Texas 77580
(w/o enclosures)