



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 14, 1996

Mr. Roland Castaneda
General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR96-2111

Dear Mr. Castaneda:

You ask this office to reconsider the decision in Open Records Letter No. 96-1584 (1996). Your request for reconsideration was assigned ID# 102322.

The Dallas Area Rapid Transit Authority ("DART") received an open records request for the "most recent notifications to DART Board members concerning the Texas Supreme Court's decision in Paul Fielding's lawsuit." You seek to withhold, pursuant to section 552.107(a) of the Government Code, one paragraph that you characterize as "legal advice and opinion from a governmental attorney acting as a legal adviser to the governmental body, the DART Board.

In Open Records Letter No. 96-1584 (1996), this office concluded that the DART could not withhold the information under section 552.107. In your request for reconsideration, you have provided additional facts to support your claim that section 552.107 exempts the requested information from required public disclosure. If the DART was aware of additional facts that would have established the applicability of section 552.107 under the previous decisions of this office, you had the burden of presenting those facts to this office in your original request for a ruling. See Gov't Code § 552.301(b)(1); Open Records Decision No. 631 (1995). As the DART did not meet its burden under section 552.107, we decline to overrule Open Records Letter No. 96-1584 (1996).

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,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 102322

cc: Mr. Curtis Howell
Dallas Morning News
P.O. Box 655237
Dallas, Texas 75265