



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 18, 1996

Mr. Richard J. Ybarra
Open Records Coordinator
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR96-2433

Dear Mr. Ybarra:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 33990.

The General Counsel Division of the Office of the Attorney General (the "OAG") received a request for copies of the transcripts of particular hearings before the Board of Dental Examiners and accompanying exhibits. You believe that certain portions of the transcripts are excepted from disclosure pursuant to sections 552.101 and 552.118 of the Government Code. You have submitted representative samples of the transcripts to this office for review.

The information at issue appears in transcripts that make up the administrative record of a hearing held before the Board of Dental Examiners in 1985 and 1986. The administrative record was subsequently filed in District Court and the Third Court of Appeals while appeal of the Board's order was pending. Records filed with a court are public documents and must be released unless there is a statutory basis for withholding them from disclosure. *See Star Telegram v. Walker*, 836 S.W.2d 54 (Tex. 1992); Open Records Letter No. 95-1135 (1995). Thus, the OAG must release the information to the requestor.

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/KEH/rho

Ref.: ID# 33990

Enclosures: Submitted documents

cc: Dr. James L. Bowman
2219 Hancock Drive
Austin, Texas 78756
(w/o enclosures)