



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 27, 1997

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR97-1214

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 106628.

The City of Houston (the "city") received a request for information pertaining to Basis Refinery, Inc. ("Basis"). You inform this office that the city and Basis are involved in a pending lawsuit concerning alleged violations of air permits under federal and state law. This office has also been informed that the city and Basis are currently involved in settlement negotiations. You assert that the information at issue is excepted from disclosure pursuant to section 552.103, and have submitted samples of the documents at issue to this office for review.¹

Section 552.103(a) excepts from disclosure information:

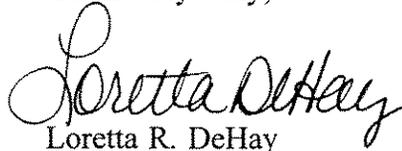
- (1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and
- (2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

You have shown that the information at issue relates to pending litigation and ongoing settlement negotiations. Thus, the documents at issue may be withheld from disclosure pursuant to section 552.103(a). As we resolve this request under § 552.103(a), we need not address your other arguments against disclosure.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/RHS/ch

Ref.: ID# 106628

Enclosures: Submitted documents

cc: Mr. Steve Probst
12655 North Central Expressway, Suite 323
Dallas, Texas 75243-1717
(w/o enclosures)