



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 17, 1997

Mr. Fermin A. Hickey, Jr.  
11511 Katy Freeway, Suite 590  
Houston, Texas 77079-1903

OR97-2306

Dear Mr. Hickey:

You ask this office to reconsider our decision in Open Records Letter No. 97-1964 (1997). Your request for reconsideration was assigned ID# 110126.

The Rosenberg Police Department, whom you represent, received a request for the requestor's "personnel file, including the complaints and charges which were grounds for my termination." In Open Records Letter No. 97-1964 (1997), this office ruled that the city could not withhold under section 552.108 of the Government Code complaints and investigation witness statements regarding the requestor.

We have examined your request for reconsideration. You have provided us with additional arguments in an attempt to demonstrate the applicability of 552.108 to the requested information. You also raise section 552.103 for the first time in your request for reconsideration of our original ruling. A governmental body must state to the attorney general the exceptions that apply to the request within ten days of receiving it, and must submit written comments stating the reasons why the stated exceptions apply within fifteen days of receiving the request. *See* Gov't Code § 552.301(a), (b)(1). You did not timely raise section 552.103, and you did not submit all your arguments under section 552.108 in connection with the city's original request for a ruling. Therefore, we affirm Open Records Letter No. 97-1964 (1997).

If you have questions about this ruling, please contact our office.

Yours very truly,

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

Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/rho

Ref: ID# 110126

Enclosures: Submitted documents

cc: Mr. Gary G. Dawson  
8580 Roper Road  
P.O. Box 231  
Orchard, Texas 77464  
(w/o enclosures)