



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 22, 1997

Mr. Ryan Tredway
Staff Attorney
Texas Department of Insurance
Legal and Compliance
MC 110-1A
P.O. Box 149104
Austin, Texas 78714-9104

OR97-2348

Dear Mr. Tredway:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 110924.

The Texas Department of Insurance received a request for the complaint made against Clark & Company, Inc. You claim that the requested information is excepted from required public disclosure by sections 552.101, 552.108, and 552.112 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.112(a) of the Government Code excepts from disclosure "information contained in or relating to examination, operating, or condition reports prepared by or for an agency responsible for the regulation or supervision of financial institutions or securities, or both." An insurance company regulated by the department is considered a "financial institution" for purposes of section 552.112. Open Records Decision Nos. 637 (1996) at 4, 158 (1977) at 5-6. You explain that the information at issue "is related to the forthcoming examination report from the on-site examiner. The letter marked the initiation of the examination and is therefore related to the final examination report for the purposes of section 552.112." The requested information reveals the financial dealings of the company at issue. After reviewing the submitted materials and your arguments, we conclude that the requested information is excepted from disclosure pursuant to section 552.112. See Open Records Decision Nos. 158 (1977), 130 (1976). We therefore do 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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 110924

Enclosures: Submitted documents

cc: Ms. Debbie Carter
Clark & Company, Inc.
P.O. Box 12869
Arlington, Texas 76094
(w/o enclosures)