



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 19, 1998

Mr. Jason C. Marshall  
Nichols, Jackson, Dillard,  
Hager & Smith, L.L.P.  
1800 Lincoln Plaza  
500 North Akard  
Dallas, Texas 75201

OR98-0490

Dear Mr. Marshall:

You ask this office to reconsider our ruling in Open Records Letter No. 97-2767 (1997). Your request for reconsideration was assigned ID# 113520.

The City of Coppell (the "city") received a request for documents pertaining to incidents involving alleged terroristic threats and a shooting. In Open Records Letter No. 97-2767 (1997), this office concluded that the city could not withhold the requested records under section 552.108 of the Government Code. In your request for reconsideration you ask us to distinguish between our conclusion in Open Records Letter No. 97-2767 (1997) and the conclusion in Open Records Letter No. 97-2776 (1997). In the latter opinion, we concluded in part that the city had demonstrated that the requested records related to pending investigations or prosecutions. You did not make the same or similar statements in your request for a ruling that resulted in Open Records Letter No. 97-2767 (1997). You stated that the cases had been referred to the District Attorney, but did not elaborate on the status of those referrals.

You have provided us with additional arguments in an attempt to demonstrate the applicability of section 552.108(a)(1) to this request for information. A governmental body must explain the reasons why the stated exceptions apply within fifteen days of receiving the request. *See* Gov't Code §552.301. You did not timely submit all your arguments under section 552.108 in connection with the city's original request for a ruling. We, therefore, affirm Open Records Letter No. 97-2767 (1997).

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

Yours very truly,

A handwritten signature in black ink that reads "Loretta DeHay". The signature is written in a cursive style with a large initial "L".

Loretta R. DeHay  
Deputy Chief  
Open Records Division

LRD/rho

Ref: ID# 113520

cc: Mr. Doyle Calfey  
449 Harris C 103  
Coppell, Texas 75019