



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 28, 1998

Mr. Roland Castaneda
General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR98-1320

Dear Mr. Castaneda:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115743.

Dallas Area Rapid Transit received a request for the

1) Letter sent by Lucious Williams of Dikita Engineering to DART in which he admitted that on or around June-July 1996, he and some other person from Carter & Burgess met with Ms. Kathy Ingle, then a member of the DART Board.

2) Report of the internal investigation conducted by DART into the matter referred to, i.e., the meeting of Lucious Williams and his cohort with Ms. Kathy Ingle.

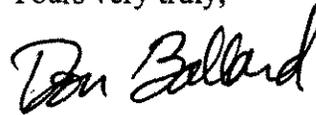
You state that you have released the document that it responsive to item one. You claim, however, that the documents responsive to item 2, submitted as Exhibits B and C, are excepted from required public disclosure by section 552.107(1) of the Government Code. You also argue that this office has previously found these documents to be protected. Open Records Letter Ruling No. 97-0519 (1997). We have considered the exception you claim and have reviewed the documents at issue.

Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only "privileged information," that is, information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. *Id.* at 5. When communications from attorney to client do

not reveal the client's communications to the attorney, section 552.107 protects them only to the extent that such communications reveal the attorney's legal opinion or advice. *Id.* at 3. You argue that the requested documents in Exhibits B and C contain client confidences and reflect the general Counsel's compilation "acting in the capacity of legal advisor to the client." You explain that the "documents have not been disclosed to a third party." Because we have previously ruled on the disclosure of the documents at issue, you should continue to rely on our previous opinion. Gov't Code § 552.301. Pursuant to Open Records Letter Ruling 97-0519, you may withhold the documents in Exhibits B and C under section 552.107(1).

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# 115743

Enclosures: Submitted documents

cc: Mr. Taiwo Oyekan
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(w/Open Records Letter Ruling 97-0519, w/o submitted documents)