



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 12, 1998

Commissioner Rick Perry
Texas Department of Agriculture
P.O. Box 12847
Austin, Texas 78711-7476

OR98-2671

Dear Commissioner Perry:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 120584 (TDA-OR-99-0004).

The Texas Department of Agriculture received an open records request for the investigative report pertaining to TDA Incident No. 2424-02-98-0012, which you state relates to a pending ongoing department investigation into possible violations of state or federal pesticide laws. You contend that the requested information is excepted from required public disclosure pursuant to section 552.103 of the Government Code.

To secure the protection of section 552.103, a governmental body must demonstrate that the requested information relates to pending or reasonably anticipated litigation to which the governmental body is a party. Open Records Decision No. 588 at 1 (1991). In this instance you have made the requisite showing that the requested information relates to reasonably anticipated litigation for purposes of section 552.103. The requested records may therefore be withheld.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

¹We note that although the applicability of section 552.103 ends once the litigation has been concluded, Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982), some of the records submitted to this office are deemed confidential by law and therefore must continue to be withheld once the litigation is over.

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB/RWP/nc

Ref.: ID# 120584

Enclosures: Submitted documents

cc: Ms. Rachel Maddera
250 Pennell Road
Sherman, Texas 75090
(w/o enclosures)