

January 13, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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Ms. Jennifer D. Soldano
Associate General Counsel
Texas Department of Transportation
Dewitt C. Greer State Highway Building
125 E. 11th Street
Austin, Texas 78701-2483

OR99-0098

Dear Ms. Soldano:

You ask this office to reconsider our decision in Open Records Letter No. 98-2221 (1998). Your request for reconsideration was assigned ID# 121025.

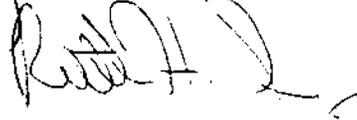
In Open Records Letter No. 98-2221, which concerned a request for an appraisal of the requestor's property, this office determined that Property Code section 21.0111 required the Department of Transportation (the "department") to release the requested appraisal to the requestor. The department had asserted that the requested appraisal was excepted from required disclosure based on Government Code section 552.105. You now re-urge that section 21.0111 is inapplicable to the appraisal at issue because you indicate that it was not used in determining the final valuation offer. You inform us that the department would not use every appraisal because an appraisal with mistakes or wrong methodology would not be approved in the review process that is required by federal regulations.

As stated in Open Records Letter No. 98-2221, this office interprets section 21.0111 to apply to the appraisal reports at issue. We therefore affirm Open Records Letter No. 98-2221.

We are resolving this matter with this 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 may 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,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy", written over a horizontal line.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 121025

Enclosures: Submitted documents

cc: Mr. Robert J. Jaeckle
P.O. Box 741208
Dallas, Texas 75374-1208
(w/o enclosures)