



March 11, 1999

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

OR99-0693

Dear Mr. Marshall:

You ask this office to reconsider our ruling in Open Records Letter No. 98-2880 (1998). Your request for reconsideration was assigned ID# 122989.

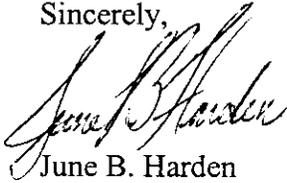
The City of Coppell (the "city"), which your office represents, received a request for 36 categories of information regarding both criminal investigations and internal affairs matters. In Open Records Letter No. 98-2880 (1998), this office concluded in part that the city could not withhold certain information under section 552.108 of the Government Code because the statute of limitations on the alleged criminal offense had run.

In your request for reconsideration, you have provided additional information in an attempt to buttress your original argument that the criminal conduct at issue is still under investigation. 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 in connection with the city's original request for a ruling. Consequently, the city may not withhold the responsive information under section 552.108(a)(1).

You also contend that based on our analysis under section 552.108(a)(1), this office should have raised section 552.108(a)(2) on the city's behalf. Please note that the Attorney General is not authorized to raise discretionary exceptions on behalf of governmental bodies. *See* Open Records Decision Nos. 344 (1982), 325 (1982). As previously noted, you did not timely submit all your arguments in connection with the city's original request for a ruling. Consequently, we will not address your new arguments under section 552.108(a)(2).

We hereby affirm the conclusion we reached in Open Records Letter No. 98-2880 (1998) regarding request number 4295(3). If you have questions about this ruling, please contact our office.

Sincerely,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 122989

Enclosures: Submitted documents

cc: Mr. Richard Jackson  
Attorney at Law  
511 McKinney Avenue, Suite D  
Dallas, Texas 75205  
(w/o enclosures)