



April 8, 1999

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

OR99-0963

Dear Mr. Smith:

On behalf of the City of Coppell (the "city"), you ask that we reconsider and clarify Open Records Letter No. 98-3268 (1998). Your request for reconsideration was assigned ID# 123214.

The city received a request for information pertaining to the investigation of a named individual for "theft of monies" at the Coppell Independent School District. You argued that the city should not have to respond to the request, or alternatively, that the requested information should be excepted from disclosure under section 552.108 of the Government Code. We ruled that the city was required to respond to the request and to release basic information about the crime. Open Records Letter No. 98-3199 (1998). We also concluded that the city could withhold the remaining information from disclosure under section 552.108(a)(1) because the information related to an active investigation and disclosing the information would interfere with law enforcement. ORL 98-3199.

The city received a second request for the same information, and you sought another ruling from this office. In Open Records Letter No. 98-3268 (1998), we again concluded that the city was required to respond to the request, but we also directed the city to release all information relating to alleged theft, not just the basic information about the crime.

In your request for reconsideration, you inform us that the information at issue in these two rulings is the same information. You contend that the city should be able to rely on the first ruling to withhold the information from disclosure under section 552.108. The key fact upon which we based our conclusion that the city could withhold the information was your representation to this office in your first request for a ruling that the information was related to an active investigation. If the city is still actively investigating the alleged theft, then the city may continue to rely on the first ruling and withhold all but the basic information about

the crime. This ruling applies only to information that was in existence at the time of your first request for a ruling.

Sincerely,


Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 123214

Enclosures: Submitted documents

cc: Mr. John Robinson
540 Christie Lane
Coppell, Texas 75019
(w/o enclosures)