



June 10, 1999

Mr. Jeffrey J. Horner
Bracewell & Patterson, L.L.P.
South Tower Pennzoil Place
711 Louisiana St., Ste. 2900
Houston, Texas 77002-2781

OR99-1634

Dear Mr. Horner:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126543.

The LaPorte Independent School District (the “district”), which you represent, received a request for the settlement agreement entered into between the district and Energy Education, Inc. You request an “opinion . . . on the potential disclosure of the agreement.” You raise no exceptions to disclosure.

A governmental body that receives a written request for information that it wishes to withhold from public disclosure must ask for an attorney general’s decision and state the exceptions that apply. Gov’t Code § 552.301(a). If a governmental body does not request an attorney general decision as provided by section 552.301(a), the request is presumed to be public information. Having raised no exceptions to disclosure as required by section 552.301(a), you must release the settlement agreement as it is presumed to be public.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

¹Moreover, we note that in Open Records Decision No. 658 (1998), this office concluded that section 154.073 of the Civil Practice and Remedies Code, in conjunction with section 552.101 of the Government Code, does not make confidential a mediated final settlement agreement.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le". The signature is written in a cursive style with a large initial "Y" and a distinct "Le" at the end.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref: ID# 126543

Encl.: Submitted documents

cc: Mr. Spero Pomonis
218 Bay Colony Circle
LaPorte, Texas 77571
(w/o enclosures)