



June 13, 2000

Ms. Lisa Aguilar
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR2000-2281

Dear Ms. Aguilar:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 137449.

The City of Corpus Christi (the "city") received a request for a copy of the results of an investigation by a contract attorney into allegations of wrongdoing by the Corpus Christi police chief. The requestor also asks for a specified incident report.

With regard to the request for a copy of the results of an investigation, you assert that the city explained to the requestor that the investigation report was not in existence on the date of the request. You explain that the investigation report was completed on May 19 and you told the requestor that he did not have to make a subsequent request for this information. Further, you explain that you will consider the request for the investigation report to have been made on May 19. According to your brief, you are reviewing the document to determine whether you should request a decision from this office. As of the date of this letter, it does not appear that you have requested a decision from this office concerning the investigation report. If you have not requested a decision in accordance with section 552.301 of the Government Code, you must release the investigation report unless a compelling reason exists to withhold the information. *See* Gov't Code §§ 552.301, .302 (outlining procedures for requesting a decision). However, we caution the city that section 552.352 of the Government Code imposes criminal penalties for the release of confidential information. Gov't Code § 552.352.

Further, you assert that the second request concerning a specified offense report was the subject of a previous ruling. In Open Records Ruling No. 2000-2102, we found that the specified offense report must be withheld under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code. Therefore, you must withhold the specified offense report in accordance with the ruling in ORL 2000-2102.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

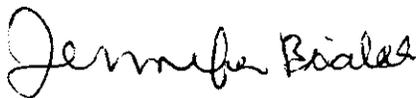
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Jennifer Bialek
Assistant Attorney General
Open Records Division

JHB/ljp

Ref: ID# 137449

cc: Mr. Dan Parker
Corpus Christi Caller-Times
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Corpus Christi, Texas 78469