



July 11, 2001

Ms. Michelle Simpkins  
Winstead, Sechrest & Minick  
100 Congress Avenue, Suite 800  
Austin, Texas 78701

OR2001-2973

Dear Ms. Simpkins:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 149302.

The Brushy Creek Municipal Utility District (the "district") received a request for memoranda, letters, a fax, a quitclaim deed, and a summary of arguments, all of which were either prepared or reviewed by counsel for the district. You assert that one of the requested memoranda is excepted from disclosure under sections 552.107 and 552.111 of the Government Code.<sup>1</sup> We have also considered the comments submitted by the requestor. *See* Gov't Code § 552.304. We believe that a prior ruling, Open Records Letter No. 2001-2024 (2001), answers your question concerning whether the September 5, 2000 memorandum is excepted from public disclosure under section 552.107 of the Government Code. You may withhold the requested memorandum in accordance with Open Records Letter No. 2001-2024 (enclosed) and may rely upon this ruling as a previous determination on this issue under section 552.301 of the Government Code. Thus, you need not ask this office again for a decision concerning the September 5, 2000 memorandum as long as the law, facts, and circumstances on which Open Records Letter No. 2001-2024 was based have not changed. *See* Open Records Decision No. 673 at 6 (2001); *see* Gov't Code § 552.107.

If you have any questions about this ruling, please contact our office.

Sincerely,

Nathan E. Bowden  
Assistant Attorney General  
Open Records Division

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<sup>1</sup>Because you seek to withhold only a portion of the requested information, we assume either that the district released the remainder of the requested information, *see* Gov't Code §§ 552.021, .301, .302, or that the district withheld the information based on a previous determination from this office. *See* Open Records Decision No. 673 (2001)(defining "previous determination").

NEB/sdk

Ref.: ID# 149302

Enc.: Submitted documents  
Copy of OR2001-2024

c: Mr. John C. McLemore  
8400 Cornerwood Drive  
Austin, Texas 78717-5340  
(w/o submitted documents)