



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 4, 2005

Mr. Patrick J Oegerle  
Kazen, Muerer & Perez, L.L.P.  
P. O. Box 6237  
Laredo, Texas 78040

OR2005-09990

Dear Mr. Oegerle:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 235682.

The Laredo Independent School District (the "district"), which you represent, received two requests, from the same requestor, for information related to the district's GED to PhD Scholarship Program. You state you have released some responsive information. Although you raise sections 552.101, 552.102, 552.106, and 552.114 of the Government Code, you make no arguments and take no position as to whether the submitted information is excepted from disclosure under these or any other exceptions. *See* Gov't Code § 552.301(e) (a governmental body must submit arguments why the exceptions it claims under the Act apply to requested information). However, you indicate that this information may be subject to third party interests and notified interested third parties of their opportunity to submit comments to this office. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released). We have reviewed the submitted information.

We note that the submitted information consists only of lists of the names of district employees. To the extent any additional responsive information existed on the date the district received these requests, we assume you have released it. If you have not released any such records, you must do so at this time. *See* Gov't Code §§ 552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible).

Furthermore, as we have received no arguments that the submitted information is excepted from disclosure under the Act, and as we are aware of no law that would make the submitted information confidential, it must be released as well.

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, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, 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 Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

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,



Ramsey A. Abarca  
Assistant Attorney General  
Open Records Division

RAA/krl

Ref: ID# 235682

Enc. Submitted documents

c: Ms. Tricia Cortez  
Laredo Morning News  
111 Esperanza Drive  
Laredo, TX 78041  
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