

The ruling you have requested has been amended as a result of litigation and has been attached to this document.



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 8, 2005

Ms. Judith Sachitano Rawls
Assistant City Attorney/
Police Administrative Legal Counsel
P.O. Box 3827
Beaumont, Texas 77704-3827

OR2005-10068

Re: Request for a statement regarding an assault

Dear Ms. Rawls:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 239312.

After reviewing your arguments and the submitted information, we have determined that your request does not present a novel or complex issue. Thus, we are addressing your claims in a memorandum opinion. You claim that the submitted information may be withheld from the requestor pursuant to section 552.108(a)(1) of the Government Code. We have considered your arguments and the submitted information and have determined that in accordance with section 552.108(a)(1) you may withhold the submitted information.

For more information on the cited exception, as well as information on the rights and obligations of governmental bodies and requestors, please refer to open government information contained on the Office of the Attorney General website at www.oag.state.tx.us. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc: Submitted documents

cc: Frank Adams
P.O. Box 7869
Beaumont, Texas 77726
(w/o enclosures)

POST OFFICE BOX 12548, AUSTIN, TEXAS 78711-2548 TEL: (512) 463-2100 WEB: WWW.OAG.STATE.TX.US

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At 9:134 M.
Amalia Rodriguez-Mendoza, Clerk

CAUSE NO. D-1-GN-06-000060

TEXAS MEDICAL BOARD, Plaintiff,	§	IN THE DISTRICT COURT OF
	§	
V.	§	TRAVIS COUNTY, TEXAS
	§	
GREG ABBOTT, ATTORNEY GENERAL OF THE STATE OF TEXAS, Defendant.	§	345 th JUDICIAL DISTRICT

AGREED FINAL JUDGMENT

On this date, Plaintiff Texas Medical Board (Board) and Defendant Greg Abbott, Attorney General of Texas, appeared, by and through their respective attorneys, and announced to the Court that all matters of fact and things in controversy between them had been fully and finally compromised and settled. This cause is an action under the Public Information Act (PIA), Tex. Gov't Code Ann. ch. 552, by which Plaintiff seeks relief from compliance with Letter Ruling OR2005-11068. The parties represent to the Court that, in compliance with Tex. Gov't Code Ann. § 552.325(c), the requestor, Rebecca S. Whitehouse, was sent reasonable notice of this setting and of the parties' agreement that the Board must withhold the information at issue; that the requestor was also informed of her right to intervene in the suit to contest the withholding of this information; and that the requestor has not informed the parties of her intention to intervene. Neither has the requestor filed a motion to intervene or appeared today. After considering the agreement of the parties and the law, the Court is of the opinion that entry of an agreed final judgment is appropriate, disposing of all claims between these parties.

IT IS THEREFORE ADJUDGED, ORDERED AND DECLARED that:

1. The information at issue, specifically, investigative information in the possession of or received or gathered by the Board or its employees or agents relating to an application for license

for Robert Kinchloe, M.D., that was ordered released by the Attorney General in the underlying letter ruling, is confidential under Tex. Occ. Code § 164.007(c) and therefore excepted from disclosure by Tex. Gov't Code § 552.101;

2. The Board shall withhold from the requestor the information at issue;
3. All costs of court are taxed against the parties incurring the same;
4. All relief not expressly granted is denied; and
5. This Agreed Final Judgment finally disposes of all claims between Plaintiff and Defendant and is a final judgment.

SIGNED this the 21 day of November, 2006.


PRESIDING JUDGE

APPROVED:



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