



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

May 31, 2006

Ms. Laurie B. Hobbs  
Assistant General Counsel  
Office of Consumer Credit Commissioner  
2601 North Lamar Boulevard  
Austin, Texas 78705

OR2006-05703

Dear Ms. Hobbs:

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# 250444.

The Office of Consumer Credit Commissioner (the "commissioner") received a request for information concerning complaints made against Texas pawn shops since January 1, 2004, records detailing investigations of Texas pawn shops for accepting stolen property or failing to exercise proper or due caution, any document explaining the meaning of "exercise of proper or due caution," and any document detailing the responsibilities of a pawn shop employee before accepting property. The requestor subsequently narrowed the first portion of his request to specify complaints relating to the acceptance of stolen property. *See* Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information). You state that you have released some of the requested information but claim that the submitted information is excepted from disclosure under sections 552.101 and 552.112 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information. We have also considered comments submitted by the requestor's attorney. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't

Code § 552.101. The section encompasses information made confidential by other statutes. Section 371.206 of the Finance Code provides that “[i]nformation obtained during an examination or inspection authorized by [subchapter E of chapter 371] is confidential and privileged except for use by the commissioner or in a criminal investigation or prosecution.” Fin. Code § 371.206. Subchapter E pertains to inspections and examinations of pawnshops by the commissioner. *See id* §§ 371.201-.208. You indicate that the commissioner obtained the submitted information in the course of an investigation conducted under chapter 371 of the Finance Code. Based on your representations and our review, we agree that the submitted information is confidential pursuant to section 371.206. We therefore conclude the commissioner must withhold the information at issue pursuant to section 552.101 of the Government Code. As our ruling on this issue is dispositive, we need not address your remaining arguments.

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,



L. Joseph James  
Assistant Attorney General  
Open Records Division

LJJ/sdk

Ref: ID# 250444

Enc. Submitted documents

c: Mr. Wayne Dolcefino  
KTRK-TV  
3310 Bissonnet  
Houston, Texas 77005  
(w/o enclosures)

Mr. Townsend Davis  
Executive Counsel  
ABC, Inc.  
77 West 66<sup>th</sup> Street  
New York, New York 10023  
(w/o enclosures)