



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 30, 2009

Mr. Francisco J. Valenzuela  
Fanning Harper Martinson Brandt & Kutchin, P.C.  
4849 Greenville Avenue, Suite 1300  
Dallas, Texas 75206

OR2009-01233

Dear Mr. Valenzuela:

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# 334035 (Keene File# 26113).

The City of Keene (the "city"), which you represent, received two requests from the same requestor for information regarding the authorization of payments to city police officers for driving impounded vehicles to the city's impound area for 2008, records of all income and expenditures for impounded vehicles for 2008, and information regarding the authorization of payments to city police officers under the city's Specialized Traffic Enforcement Program from the past nine months. You claim some of the requested information is excepted from disclosure under section 552.130 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted representative sample of information.<sup>2</sup> We have also received and considered comments submitted by the requestor. *See Gov't Code*

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<sup>1</sup>Although you also raise section 552.101 of the Government Code, you have provided no arguments explaining how this exception is applicable to the submitted information. Therefore, we presume you no longer assert this exception to disclosure. Gov't Code §§ 552.301, .302.

<sup>2</sup>We assume that the representative sample of records submitted to this office is truly representative of the requested records as a whole. *See Open Records Decision Nos. 499 (1988), 497 (1988)*. This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

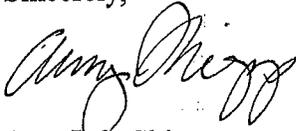
§ 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.130 of the Government Code excepts from disclosure “information [that] relates to . . . a motor vehicle operator’s or driver’s license or permit issued by an agency of this state [or] a motor vehicle title or registration issued by an agency of this state.” *Id.* § 552.130. Accordingly, the city must withhold the Texas motor vehicle record information you have marked pursuant to section 552.130 of the Government Code. The remaining information must be released to the requestor.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Amy L.S. Shipp  
Assistant Attorney General  
Open Records Division

ALS/jb

Ref: ID# 334035

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)