



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 17, 2009

Mr. Reg Hargrove
Assistant Attorney General
Public Information Coordinator
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2009-09929

Dear Mr. Hargrove:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 350122 (PIR No. 09-25036).

The Office of the Attorney General (the "OAG") received a request for the county commissioners' and auditor's responses to a complaint of a violation of the Open Meetings Act in Lampasas County. The OAG asserts the information is excepted from disclosure under section 552.108 of the Government Code. We have considered the OAG's claimed exception to disclosure and have reviewed the submitted information.

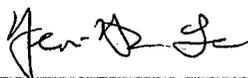
Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication.

The OAG argues section 552.108(a)(2) is applicable because the criminal investigation conducted by the OAG's Criminal Prosecutions Division concluded with a determination that no filing of criminal charges is warranted. Because the information pertains to a case that concluded in a result other than conviction or deferred adjudication, we agree the OAG may withhold Exhibit B under section 552.108(a)(2).

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, 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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/sdk

Ref: ID# 350122

Enc: Submitted documents

c: Requestor
(w/o enclosures)