



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 1, 2010

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

OR2010-02922

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# 371807 (PIR No. 09-26788).

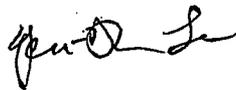
The Office of the Attorney General (the "OAG") received a request for correspondence relating to Dr. Bruce Olson or Gerald Sansing. The OAG asserts the information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the OAG's claimed exceptions to disclosure and have reviewed the submitted information. We have also received and considered the requestor's comments. *See* Gov't Code § 552.304 (interested party may submit written comments regarding availability of requested information).

Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. *Id.* § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate 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 Prosecution Division resulted in a conclusion other than conviction or deferred adjudication. 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). Because section 552.108 is dispositive, we do not address the OAG's section 552.101 claim.

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, toll free, at (888) 672-6787.

Sincerely,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/sdk

Ref: ID# 371807

Enc: Submitted documents

c: Requestor  
(w/o enclosures)