



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 14, 2010

Mr. Dewey E. Helmcamp, III
Executive Director
Texas Board of Veterinary Medical Examiners
333 Guadalupe, Suite 3-810
Austin, Texas 78701-3942

OR2010-08615

Dear Mr. Helmcamp:

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# 382561.

The Texas Board of Veterinary Medical Examiners (the "board") received a request for 1) the board's entire file related to specified complaints concerning a named medical center and four named veterinarians; 2) all complaints filed against three named veterinarians and the disposition of the complaints; 3) all complaints filed against any veterinarian while employed at a named medical center; 4) a statement regarding how many complaints have been filed against veterinarians in the last ten years and the disposition of each complaint; 5) a statement showing which board member voted on which complaint made in the last ten years; 6) information showing how many complaints were dismissed by year, in the last ten years, and the nature of each complaint; 7) the number of public hearings that have been requested in the last ten years and how many have been granted; 8) the nature of the request for each public hearing that has been requested in the last ten years; and 9) the names of all experts that the board has consulted regarding any complaint made in the last ten years. You state you do not maintain information responsive to categories 5, 7 and 8 of the request.¹ You also state you will release information responsive to categories 4 and 6 to the requestor.

¹We note that the Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dism'd); Open Records Decision Nos. 605 at 2 (1992); 452 at 3 (1986), 362 at 2 (1983).

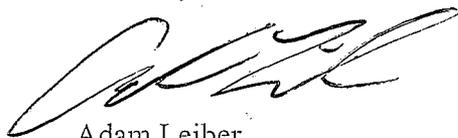
You claim the remaining requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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. This exception encompasses information that another statute makes confidential. You claim the submitted information is confidential under section 801.207 of the Occupations Code. Section 801.207(b) provides that "[a]n investigation record of the board, including a record relating to a complaint that is found to be groundless, is confidential." Occ. Code § 801.207(b). You indicate Exhibit B relates to complaints filed with the board and its subsequent investigations. Based on your representation and our review, we conclude Exhibit B is confidential under section 801.207 of the Occupations Code and must be withheld from disclosure under section 552.101 of the Government Code.

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

Sincerely,



Adam Leiber
Assistant Attorney General
Open Records Division

ACL/em

Ref: ID# 382561

Enc. Submitted documents

c: Requestor
(w/o enclosures)