



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 16, 2014

Mr. Thomas H. Walston
General Counsel
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

OR2014-12296

Dear Mr. Walston:

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# 529344.

The State Office of Administrative Hearings ("SOAH") received a request for (1) all emails related to a specified case number, (2) all handwritten notes from a specified judge during the specified hearing, and (3) audio recordings of a specified case. You state you do not have any information responsive to the second category of the request.¹ You state you have provided most of the requested information to the requestor. You claim the submitted information is excepted from disclosure under section 552.144 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.144 of the Government Code provides, in relevant part:

The following working papers and electronic communications of an administrative law judge at the [SOAH] are excepted from [required public disclosure]:

¹The 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 dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

...

(2) drafts of a proposal for decision[.]

Gov't Code § 552.144(2). Thus, section 552.144(2) excepts from disclosure drafts of a proposal for decision. You state Attachment B contains a paragraph from a draft of a proposal for decision, and Attachment C contains a draft of a proposal for decision. Upon review, we agree this information, which we have marked, consists of drafts of a proposal for decision. Therefore, SOAH may withhold the information we have marked under section 552.144(2) of the Government Code. SOAH must release the remaining information.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Meredith L. Coffman
Assistant Attorney General
Open Records Division

MLC/dls

Ref: ID# 529344

Enc. Submitted documents

c: Requestor
(w/o enclosures)