



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 17, 2014

Mr. James R. Evans, Jr.  
Counsel For Cameron County Appraisal District  
Hargrove & Evans, LLP  
Building 3, Suite 400  
4425 Mopac South  
Austin, Texas 78735

OR2014-16511

Dear Mr. Evans:

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# 535287.

The Cameron County Appraisal District (the "district"), which you represent, received a request for the audio recording taken at a specified hearing. The district claims the requested information is excepted from disclosure under section 552.149 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

You inform us the submitted information consists of an audio recording of a Cameron County Appraisal Review Board hearing. Section 41.66(d) of the Tax Code states, "Except as provided by Subsection (d-1), hearings conducted as provided by this chapter are open to the public." Tax Code § 41.66(d). Further, section 41.66(d-1) reads as follows:

Notwithstanding Chapter 551, Government Code, the appraisal review board shall conduct a hearing that is closed to the public if the property owner or the chief appraiser intends to disclose proprietary or confidential information at the hearing that will assist the review board in determining the protest. The review board may hold a closed hearing under this subsection only on a joint motion by the property owner and the chief appraiser.

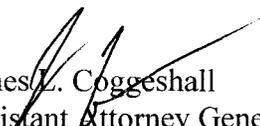
*Id.* § 41.66 (d-1). Pursuant to section 552.303 of the Government Code, this office asked the district to provide additional information regarding whether the hearing at issue was conducted as a closed hearing pursuant to section 41.66(d-1) or an open hearing pursuant to

section 41.66(d). *See* Gov't Code § 552.303(c) (attorney general may give written notice to governmental body that additional information is necessary to render decision). In your response to this office, you state the hearing was not closed pursuant to section 41.66(d-1). Thus, you represent the hearing was conducted as an open hearing pursuant to section 41.66(d). Accordingly, the audio recording at issue is a recording of an open meeting of the district's Appraisal Review Board. Section 551.022 of the Open Meetings Act, chapter 551 of the Government Code, expressly provides, "The minutes and tape recordings of an open meeting are public records and shall be available for public inspection and copying on request to the governmental body's chief administrative officer or the officer's designee." *Id.* § 551.022. You seek to withhold the submitted audio recording under section 552.149 of the Government Code. However, as a general rule the exceptions to disclosure found in the Act do not apply to information that other statutes make public. *See* Open Records Decision Nos. 623 at 3 (1994), 525 at 3 (1989). Therefore, the district must release the submitted information pursuant to section 551.022 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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](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,

  
James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/cbz

Ref: ID# 535287

Enc. Submitted documents

c: Requestor  
(w/o enclosures)