



Nora A. Linares
Executive Director

Commissioners:
Jan Fisher Greaves,
Chair
Richard Daly
Anthony Sadberry

September 23, 1994

Honorable Dan Morales
Attorney General of Texas
Office of the Attorney General
300 West Fifteenth Street, Twelfth Floor
Austin, Texas 78701

RQ-749

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Opinion Com

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Dear General Morales:

On September 15, 1994 the Texas Lottery Commission received the enclosed request for information. Specifically, the requestor wishes to obtain the 709 listed complaints that were mentioned in the July/August 1994 issue of the *Bingo Bulletin*.

Pursuant to the Open Records Act, TEX. GOV'T CODE, § 552.301 (Vernon 1994), please accept this writing as the request of the Texas Lottery Commission for a decision from the Attorney General regarding whether the information requested is exempt from public disclosure.

The agency currently has the following number of cases on file:

Total cases received from April 1, 1994 through July 9, 1994: 709

Total complaints:	288
Open complaints:	63
Closed complaints:	225

Criminal history checks:	309
Employee background investigations:	77
Bingo parlor site inspections:	35

The agency believes that the information is exempt from disclosure under the provisions of sections 552.102, 552.103 and 552.108 of the Texas Government Code for the following reasons.

Honorable Dan Morales
September 23, 1994
Page 2

First, as a result of many of the investigations of the complaints by the Commission's Security division it is anticipated that administrative and or criminal actions against the subjects of the complaints will be taken. Therefore, documents relating to those investigations are exempt from disclosure under section 552.103 of the Texas Government Code.

Additionally, the attached documents establish that the Texas Lottery Commission, or in the alternative, the Commission's Security Division, is a law enforcement agency. As such, the documents relating to the investigation by the Security Division of complaints are exempt from public disclosure under section 552.108(a) of the Texas Government Code. Furthermore, any internal documents or notations made by the Security Division's investigators relating to these complaints are exempt from public disclosure pursuant to section 552.108(b) of the Texas Government Code.

Finally, pursuant to section 552.102 of the Texas Government Code, complaints comprising employee background investigations contain information which if disclosed would constitute a clearly unwarranted invasion of personal privacy and are therefore exempt from disclosure.

Representative copies of documents which are subject to this request will be provided to the Opinions Committee by separate letter.

Should you have any further question, please contact Kimberly L. Kiplin, General Counsel at 323-3791.

Sincerely,



LINDA CLOUD
Director, Lottery Operations

Enclosures

cc: Ms. Sharon Ives
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Suite 507
Fort Worth, Texas 76109