



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 21, 1996

Mr. Ron Allen  
Executive Director  
Texas State Board of Veterinary Medical Examiners  
333 Guadalupe, Suite 2-330  
Austin, Texas 78701-3998

OR96-0754

Dear Mr. Allen:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39336.

The Texas State Board of Veterinary Medical Examiners (the "board") received an open records request for, among other things, all of the board's records concerning the board's investigation of a complaint that the requestor filed against a certain veterinarian. You contend that these records are excepted from required public disclosure by section 552.101 of the Government Code in conjunction with article 8890, V.T.C.S.

Under the Open Records Act, all information held by governmental bodies is open to the public unless the information falls within one of the act's specific exceptions to required public disclosure. Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, *statutory*, or by judicial decision." (Emphasis added.) Section 9 of the Veterinary Licensing Act, article 8890, V.T.C.S., provides in part that:

(c) Except as provided by Subsection (d) of this section, all of the records of the Board are public records and are available for public inspection during normal business hours.

(d) *The investigation files and records of the Board, including files and records relating to complaints found to be groundless, are confidential.*

V.T.C.S. art. 8890, § 9(c), (d) (emphasis added). The statute is clear: any information the board gathers or creates during the course of its investigations is confidential. We note, however, that section 18B(a) provides that the board must create for each complaint it receives an "information file" that may contain certain status reports by which the board notifies "the parties to the complaint of the status of the complaint . . ."<sup>1</sup> See V.T.C.S. art. 8890, § 18B(b). Although you inform this office that the board in fact maintains only one "file" on each complaint it receives, it is apparent that the status reports are not made confidential by section 9(d) because they do not reveal information gathered during the course of the investigation and because the board is required to provide these reports to members of the public. Consequently, to the extent that the requested file consists of such status reports, these reports must be released to the requestor. The board must withhold, however, all remaining records in the investigative file pursuant to section 9(d).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/RWP/rho

Ref.: ID# 39336

Enclosures: Submitted documents

cc: Ms. Debra Duncan  
2422 Mockingbird Lane  
Garland, Texas 75042  
(w/o enclosures)

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<sup>1</sup>Section 18B(b) also provides that the board need not notify parties to the complaint where such notification "would jeopardize an undercover investigation." Because the board did not conduct an undercover investigation in this instance, this exception is inapplicable here.