



**TEXAS ALCOHOLIC
BEVERAGE COMMISSION**
Supporting Businesses and Protecting Texans

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March 30, 2026

Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

RE: Request for Open Records Ruling | TABC Records Request Nos. R013297-031026, R013300-031126, R013310-031326, R013327-031726, R013328-031726, R013329-031726, R013332-031726, R013335-031826, R013348-031926, and R013354-031926

Dear Ms. Smith:

In accordance with section 552.301 of the Government Code, the Texas Alcoholic Beverage Commission (“TABC”) submits this request for an open records ruling under the Public Information Act (the “Act”), chapter 552 of the Government Code. This correspondence is being submitted to you by e-filing on March 30, 2026.

On March 11, 2026, TABC received open records requests from Jon Sofen (R013297-031026) and Alisa Maria M. Stansbury (R013300-031126).¹ *See Exhibit A.* On March 13, 2026, TABC received an open records request from Stevee Saint Wang (R013310-031326). *See Exhibit A.* On March 17, 2026, TABC received open records requests from John M. (R013327-031726), Belle Scott (R013328-031726), Todd Witteles (R013329-031726), and Jennifer Bell (R013335-031826). *See Exhibit A.* On March 18, 2026, TABC received an open records request from Paul Dapolito IV (R013332-031726).² *See Exhibit A.* On March 19, 2026, TABC received open records requests from Matthew Hansen (R013348-031926) and Guadalupe Centeno (R013354-031926). *See Exhibit A.*

On March 25, 2026, TABC submitted a request for an open records ruling to withhold certain records responsive to the request. *See Exhibit C.* TABC notes it does not have some of the requested information. TABC also notes it released basic information to the requestors pursuant to section 552.108(c) of the Government Code. TABC asserts the remaining responsive information is excepted from required public disclosure under the Act and other laws excepting information from public disclosure. TABC submits the following arguments, as well as a representative sample of the responsive records, for your review and consideration.

¹ TABC notes Request No. R013297-031026 was received after business hours on March 10, 2026; thus, the request is deemed received on March 11, 2026.

² TABC notes Request No. R013332-031726 was received after business hours on March 17, 2026; thus, the request is deemed received on March 18, 2026.

I. Information Excepted from Required Public Disclosure Pursuant to Section 552.108 of the Government Code

Section 552.108(a)(1) of the Government Code excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Gov’t Code § 552.108(a)(1). Section 552.108(b)(1) of the Government Code excepts from disclosure the internal records and notations of law enforcement agencies and prosecutors when their release would interfere with law enforcement and crime prevention. *See id.* § 552.108(b)(1). A governmental body claiming section 552.108(a)(1) or section 552.108(b)(1) must explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), (b)(1), .301(e)(1)(A); *See also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977).

Section 552.108 generally applies to the records created by an agency, or a portion of an agency, whose primary function is to investigate crimes and enforce criminal laws. *See* Open Records Decision Nos. 287 (1981), 493 (1988). TABC’s Enforcement Division performs law enforcement functions, specifically involving the detection, investigation, and prosecution of the Texas Alcoholic Beverage Code (the “TABC Code”). Each violation of the TABC Code is a criminal offense, punishable by fine or confinement. *See* Alco. Bev. Code §§ 1.05, 5.42. Additionally, the Enforcement Division employs commissioned peace officers, inspectors, and representatives who have “all the powers of a peace officer coextensive with the boundaries of the state.” *See id.* § 5.14; *see also* Crim. Proc. Code § 2.12(6) (including law enforcement agents of TABC as peace officers); Open Records Opinion No. O-4445 (1942); *Cortez v. State*, 738 S.W.2d 760 (Tex. App.—Austin 1987). In furtherance of its law enforcement powers, TABC’s Enforcement Division routinely investigates criminal matters where alcohol has been determined to be a factor and presents its findings to the respective local county or district attorney for criminal prosecution.

The responsive records in Exhibit B pertain to an ongoing criminal investigation. TABC asserts that release of this information would interfere with the detection, investigation, or prosecution of crime. Public disclosure of the information at issue at this stage of the investigation could result in the premature destruction of relevant evidence and inform potential witnesses of unreleased information that could impair the integrity of their possible future statements and/or testimony. A representative sample of the information at issue has been provided as Exhibit B.

TABC recognizes that section 552.108 of the Government Code does not except from disclosure basic information about an arrested person, an arrest, or a crime. *See* Gov’t Code §552.108(c); *Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). TABC has released this basic information to the requestor.

II. Conclusion

For the foregoing reasons, and any other compelling reasons identified, please find this exception from disclosure as requested. You may contact the TABC Records Management Office at (512) 206-3443 or records@tabc.texas.gov if you have any questions or need additional information. Thank you for your time and attention on this matter.

Sincerely,



James M. Graham
Assistant General Counsel
Texas Alcoholic Beverage Commission

Enclosures: Exhibit A – TABC records requests
 Exhibit B – Responsive information
 Exhibit C – Request for open records ruling

CC (w/o Exhibit B): Requestors