

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 25-024

RESPONDENT: 63rd District Court, Val Verde County

DATE: December 30, 2025

SPECIAL COMMITTEE: Judge David Evans, Chair; Judge Ana Estevez; Judge Robert Trapp; Judge Sid Harle; Judge Ben Woodward

Petitioner requested from Respondent a statement regarding a letter submitted by the Kinney County Commissioners calling for the removal of the Kinney County Auditor. In its request, Petitioner highlighted a portion of Local Government Code Section 84.009, which authorizes the removal of a county auditor “after due investigation by the district judge who appointed the auditor[.]” Petitioner stated it would greatly appreciate Respondent’s insight “regarding [its] perspective or next steps related to” the County Commissioners’ request. Respondent replied that a decision was “still pending while the investigation [was] ongoing.” In a follow-up message, Petitioner expanded its request to include any public information requests sent by the Respondent to Kinney County as well as any documents received by Respondent in response to those requests. In a response denying Petitioner’s request, Respondent stated that the records sought by Petitioner were exempt from disclosure under Rule 12.5(k) (*Investigations of Character or Conduct*). In its petition for review, Petitioner argued that the records were not “investigative materials” but “administrative records” that were “related to the court’s communications and actions regarding a county administrative matter, specifically the Kinney County Auditor removal process[.]” Respondent did not submit a reply to the petition.

Rule 12.5(k) exempts from disclosure “*Any record relating to an investigation of any person’s character or conduct* unless: (1) the record is requested by the person being investigated; and (2) release of the record, in the judgment of the records custodian, would not impair the investigation” (emphasis added). Because the records in question relate to Respondent’s investigation of the Kinney County Auditor, and not the Petitioner, Rule 12.5(k) applies and the requested records are exempt from disclosure. Accordingly, the appeal is dismissed.