HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400
TTY: (503) 378-5938

July 19, 2004

David P. Meyer
David P. Meyer, PC
621 SW Morrison Street, Suite 1300
Portland, OR 97205-3816

Re: *Petition for Public Records Disclosure Order*:
Board of Accountancy Records

Dear Mr. Meyer:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on July 15, 2004, asks the Attorney General to direct the Board of Accountancy ("Board") to make available "all public records relating to Michael English and David Rostad." For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450.

We spoke to Carol Rives, Director of the Oregon Board of Accountancy, about your petition. She confirmed that the Board partially denied your request for records on the basis of ORS 192.501(3), which exempts from disclosure "[i]nvestigatory information compiled for criminal law purposes." The Public Records Order issued to you by this office on July 8, 2004, cites an ongoing investigation of Harry Nels Kyllo by the Portland Police Bureau and that agency's representation that disclosure of records provided to it by the Board could impede or adversely affect its investigation. Ms. Rives told us that some of the records maintained by the Board relating to Michael English or David Rostad have been shared with the Portland Police Bureau in relation to its investigation of Mr. Kyllo and that it was on this basis that the Board partially denied your new request for records. For the reasons cited in the Order of July 8, 2004, we deny your petition in regard to records shared with the Portland Police Bureau.

According to Ms. Rives, in responding to your request, she both disclosed to you records relating to Michael English and David Rostad that had not been shared with the Portland Police Bureau and told you that the remainder of such records are available for inspection. With respect to these records, we deny your petition as moot.

Sincerely,

Donald C. Arnold
Chief Counsel
General Counsel Division

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c: Carol Rives, Director, Board of Accountancy