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Telephone: (503) 378-4400

August 8, 1989

Mr. Heinz JU Sauerbrey
P.O. Box 230393
Tigard, Oregon 97223

Re: Petition for Public Records Disclosure Order; Department of Insurance and Finance Records

Dear Mr. Sauerbrey:

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 August 4, 1989, asks the Attorney General to order the Director of the Department of Insurance and Finance to disclose records identifying the law upon which he relied for authority to act in reaching his determination in "Proposed and Final Order #7414-A." Your petition appears to be substantially similar to your previous petition dated June 8, 1989 to which we responded on June 19, 1989. For the reasons stated below, we respectfully deny your request that we order production of the information which you seek.

The Public Records Law confers the right to inspect any public record of a public body in Oregon, subject to certain exceptions. ORS 192.420. For the reasons stated in our previous order dated June 19, 1989, we determined that the information which you seek is not subject to disclosure. A copy of that order is attached for your review.

By way of further explanation, we understand your request as requesting the identification of law upon which the director's predecessor may have relied in issuing Proposed and Final Order #7414-A, rather than the production of any actual public records. We already have denied your request for this information because Director Kulongoski played no role in the issuance of Proposed and Final Order #7414-A, thus there are no records upon which he relied in issuing the order available for disclosure.

We also deny your present petition because it does not seek the production of a "public record" as defined in ORS chapter 192. Rather, you appear to seek a legal analysis or justification of the administrative actions taken against you in 1982. The Public Records Law creates no obligation on the Department of Insurance and Finance to justify administrative action. It simply is a mechanism for disclosure of public records.

Finally, we are informed that the Department of Insurance and Finance has provided to you copies of all documents relevant to the administrative procedure culminating in Proposed and Final Order #7414-A. We conclude that the information you now wish produced is not subject to disclosure under the Oregon Public Records Law. Accordingly, we respectfully deny your petition to compel disclosure.

Respectfully submitted,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:tg
cc (w/ incoming):
Theodore R. Kulongoski, Director, Department of Insurance and Finance
Larry Young, Manager, Compliance Section, Workers' Compensation Department
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