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March 17, 1987

William B. Crow
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3500 U.S. Bancorp Tower
111 S.W. Fifth Avenue
Portland, OR 97204-3699

Re: Public Records Request Dated January 22, 1987

Dear Mr. Crow:

This letter follows and amplifies our February 10, 1987 written response to your public records request dated January 22, 1987. In our February 10 letter, we informed you that documents not exempt from disclosure would be available for your inspection after February 20, 1987. We have heard nothing further from you in the last month, even though documents have been available and we have incurred copying expenses of approximately $600.00. Copies of documents have been made because, as explained below, it was necessary to separate documents exempt from disclosure and documents subject to disclosure.

With respect to request numbers one and two, the tape-recorded statements of employes or officers of Liberty Mutual Northwest Insurance Company pertain to pending litigation or litigation reasonably likely to occur. The records are therefore exempt from disclosure under ORS 192.500(1)(b).

Request number three asks for the records or materials contained in Department of Justice files regarding the prosecution and settlement of State v. Montgomery, Marion County Circuit Court Case No. 148908. Copies of the documents disclosed to various defendants in response to discovery requests in that case are available for inspection upon payment of the reasonable copying expenses. All other records or materials concern pending litigation, as well as litigation reasonably likely to occur, and are therefore exempt under ORS 192.500(1)(b).

Request numbers four, five and six, ask for documents that "show" that your clients acted contrary to law, participated in diversion of dividends and were accountable for public funds.

We are not in a position to make value judgments about what various documents might show, or to interpret their meaning or significance. Nor does the Public Records Law entitle you to ask for our interpretation of documents.

However, copies of certain documents which meet your requests, without interpretation by us, have been and are presently available for your inspection: the Secretary of State's audit reports of SAIF Corporation filed in 1984 and 1986; the Governor's report dated December 22, 1986; and a document related to the appointment of Mr. Gill as General Manager of the State Compensation Department. Upon payment, or your assurance of payment, of reasonable copying expenses and mailing costs, we can ship to you the copies of all the documents we have prepared for you.

If you have any questions, please let me know.

Sincerely,

WILLIAM F. GARY
Deputy Attorney General

WFG:cm