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May 6, 2009

SENT VIA REGULAR MAIL & E-MAIL (agustafs@Salem.gannett.com)

Alan Gustafson
Statesman Journal
280 Church Street
Salem, Or 97301

Re: Petition for Public Records Disclosure Order:
Letter to Governor from Long-Term Care Advisory Committee

Dear Mr. Gustafson:

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. In an e-mail dated April 29, 2009 to Tony Green, you asked the Attorney General to direct the Governor's office to allow you to inspect a letter dated April 28, 2009 from Oregon's Long-Term Care Advisory Committee to the Governor concerning Meredith Cote. An employee in the Governor's office declined to release the letter on the ground that the record is exempt from public disclosure.

For the reason that follows, we are unable to consider your petition. The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. Any person who is denied the right to inspect or to receive a copy of any public record for which a state agency is the custodian may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450(1). However, ORS 192.480 provides that:

> In any case in which a person is denied the right to inspect or to receive a copy of a public record in the custody of an elected official, or in the custody of any other person but as to which an elected official claims the right to withhold disclosure, no petition to require disclosure may be filed with the Attorney General or district attorney, or if a petition is filed it shall not be considered by the Attorney General or district attorney after a claim of right to withhold disclosure by an elected official.

We conclude that this provision applies to your request, because you were denied the right to inspect or receive a copy of a letter in the custody of the Governor. Therefore, ORS 192.480 prevents the Attorney General from considering your petition.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

DM1394559
c: Diana Foster
Mark Rasmussen