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DEPARTMENT OF JUSTICE

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October 10, 2008

Shawn Baird
558 NE South Nebergall Loop
Albany, OR 97321

Re: Petition for Public Records Disclosure Order:
Hospital Preparedness Program (HPP) Region 2

Dear Mr. Baird:

Your petition dated October 2, 2008, which we received on October 3, 2008, asks the Attorney General to order the "Oregon Department of Human Services, Public Health Emergency Preparedness, HPP Region 2 and its employees" to produce a copy of certain records. You state that you initially requested the records you seek from Ann Steeves, Regional Coordinator for HPP Region 2. You subsequently requested the records of Bob Vanderford, HPP Region 2 Board Chair, and finally re-sent the request to both Ms. Steeves and Mr. Vanderford. You state that your request was ultimately denied by Ms. Steeves. For the following reasons, we must respectfully deny your petition.

Under the Public Records Law, the Attorney General has authority to entertain public records petitions from "any person denied the right to inspect or to receive a copy of any public records of a state agency." ORS 192.450(1). Pursuant to ORS 192.460, petitions to review public records of a public body other than a state agency are to be directed to the District Attorney of the county in which the public body is located, or, if the public body is located in more than one county, the county in which the administrative offices of the public body are located.

We infer that you believe HPP Region 2 is a subdivision of the Oregon Department of Human Services (DHS). It is not[1]. HPP Region 2 is not a state agency or a subdivision of state agency. As such the Attorney General has no authority to order it to disclose records to you. The regional lead agency for HPP Region 2 is Samaritan Health Services located in Corvallis, Benton County, Oregon. If HPP Region 2 has denied your request for public records, and if HPP Region 2 is a "public body" for purposes of Oregon's Public Records Law, then it is the Benton County District Attorney who has the authority to review that decision, not the Attorney General.

[1] DHS has told us that it does not possess any document responsive to your request.

We express no opinion about whether Samaritan Health Services or the HPP Region 2 Board are "public bodies" for purposes of Oregon's Public Records Law.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

DM1065670
c: Benton County District Attorney's Office
Ann Steeves, Regional Coordinator, HPP Region 2