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August 29, 2007

William T. Harbaugh
Department of Economics
1228 University of Oregon
Eugene, OR 97403

Re: Petition for Public Records Disclosure Order
University of Oregon Records (Petitions 6.5 and 6.51)

Dear Mr. Harbaugh:

This letter is the Attorney General's order on your petitions (labeled 6.5 and 6.51) for disclosure of records under the Oregon Public Records Law. We received your petition via email on August 22, 2007. The petition asks the Attorney General to direct the University of Oregon (UO) to make available copies of employment contracts for Dr. Charles Martinez and refers back to a petition you filed in July, which this office denied. On August 27, 2007, we received a second petition related to the same documents.[1] Both petitions arise out of a request that you made to UO on May 10, 2007.[2]

For the reasons that follow, we respectfully deny both petitions.

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[1] Both petitions also requested that the Attorney General "explain the procedures that [his] office has used to deal with the conflict of interest inherent in having the Attorney General deal with a public records petition involving a subordinate Special Assistant Attorney General." Because this is an inquiry regarding Department of Justice policies or procedures in a public records order, rather than a petition for issuance of an order within the Attorney General's authority, it is unnecessary and inappropriate to respond to that inquiry in this order. We will, however, respond to your questions in separate correspondence.

[2] Our earliest correspondence with you on the request for copies of Dr. Martinez's employment contracts appears in June 2007. Our file does not show the precise date of the first request to UO for this information, but we are informed by information provided by UO that the original request was sent to UO General Counsel Melinda Grier on about May 10, 2007. This is consistent with the information you have provided to us. (Email, Harbaugh to Attorney General Myers, July 3, 2007).

UO has already sent the information that you requested. Our files indicate that UO has already provided you with copies of Dr. Martinez's employment contracts for his employment as Interim Vice Provost (July 1, 2005 to June 30, 2006) and Vice Provost (June 1, 2006 to June 30, 2007). (Email, Grier to Harbaugh, May 15, 2007). In addition, you have told us that you received a copy of an employment contract for Dr. Martinez for the 2005-2006 academic year for the College of Education. (Email, Harbaugh to Chute, June 29, 2007).

You petitioned the Attorney General on July 3, 2007, claiming that the production of documents was not adequate, evidently because UO did not provide a copy of a separate contract from the College of Education for the 2006-2007 academic year. Your concern probably arose from a mistake contained in an email message from UO General Counsel Melinda Grier, which stated, "Dr. Martinez does have a separate contract with the College of Education." (Email, Grier to Harbaugh, June 19, 2007). Ms. Grier informs us that this was in error and, in fact, should have stated, "Dr. Martinez does *not* have a separate contract with the College of Education." Your request for a public records order is moot as to these documents.

In addition, your request was made and answered before the end of the contract period June 1, 2006, to June 30, 2007. You have not asked UO to send any subsequent employment agreements for Dr. Martinez. Your request for public records order is premature as to any agreements entered into between the UO and Dr. Martinez after May 10, 2007, because you have not asked UO for the documents and UO has not denied any such request.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS20220
c: Melinda Grier, University of Oregon