HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400
TTY: (503) 378-5938

May 8, 2007

Charles N. Isaak, Esq.
14325 S.W. Lisa Lane
Beaverton, OR 97005

Re: Petition for Public Records Disclosure Order:
Oregon State Bar

Dear Mr. Isaak:

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. We received your petition on May 1, 2007. The petition requests that the Attorney General direct the Oregon State Bar ("Bar") to make available various records pertaining to a leave of absence taken by an employee of the Bar, Mr. Linn Davis, during the period surrounding a December 14, 2006, hearing at which you sought Mr. Davis's appearance as a witness. Your petition states that the Bar denied your request by letter dated February 9, 2007. For the following reasons, we respectfully deny 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. If a public record contains material that is exempt from disclosure under the Public Records Law as well as material that is *not* exempt, the public body must separate the exempt and nonexempt material and make the nonexempt material available for examination. ORS 192.505. The Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. *See* ORS 192.450(1).

We have conferred with Sylvia Stevens, the Bar's General Counsel, and with Jeffrey Sapiro, the Bar's Disciplinary Counsel, regarding your records request and petition. They informed us that they have further reviewed the matter and have determined that they will provide you with the documents responsive to your request within five business days of the date of this order. They will redact from the records information exempt from disclosure under the "personal privacy" exemption to the Public Records Law. ORS 192.502(2); *see* Public Records

Order, May 25, 1994, Mattson/Laine (documentation of date, hours and type of leave of correctional facility staff is not exempt from disclosure, but documentation of reasons staff took leave would be exempt). Because the Bar has agreed to disclose the nonexempt material in its custody, we deny your petition as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS19663
c: Sylvia Stevens, General Counsel, Oregon State Bar
Jeffrey Sapiro, Disciplinary Counsel, Oregon State Bar