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June 16, 2006

Chuck Sheketoff, Executive Director
Oregon Center for Public Policy
204 N. First, Suite C
PO Box 7
Silverton, OR 97381

Re: Petition for Public Records Disclosure Order:
Oregon Economic and Community Development Department (OECDD)

Dear Mr. Sheketoff:

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 your petition, which we received on June 12, 2006, you state that you requested from OECDD information that it had at the time the Governor announced that the state would be "spending money to entice a company to locate in Oregon." Your request to OECDD was for "details of the total state investment in Genentech that the Governor described in his press release ('Total state investment in the project would be $4.8 million, including $2 million from the Governor's Strategic Reserve Fund, which would help the company train Oregon workers and make needed infrastructure improvements for the facility, the Governor explained.')." For the reasons that follow, we respectfully deny your petition.

Assistant Attorney General Keith Kutler conferred with Lynn Beaton and Paul Grove of OECDD about your request. They informed him that the amounts described by the Governor are not final, that negotiations are ongoing and that the parties to the negotiation, including the company contemplating location in the state, consider those negotiations to be confidential.

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. ORS 192.502(9) exempts from disclosure "records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law." 285A.090(5). ORS 285A.090(5) provides that OECDD "[a]cts as the state's official liaison agency between persons

interested in locating industrial or business firms in the state, and state and local groups seeking new industry or business, *maintaining the confidential nature of the negotiations it conducts as requested by persons contemplating location in the state*." (Emphasis added).

As noted in your request, Genentech is contemplating location in the state. OECDD is conducting negotiations with Genentech on that subject, and those negotiations, which include determining the extent and nature of the state's investment, are continuing. Consequently, any OECDD records detailing the state investment are exempt from disclosure under ORS 192.505(9) and 285A.090(5).

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS17692
c: Lynn Beaton, OECDD
Paul Grove, OECDD