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November 13, 2014

**SENT VIA EMAIL ONLY**

Mike Francis
The Oregonian
1500 SW First Avenue Suite 400
Portland OR 97201
mfrancis@oregonian.com

Re: Petition for Public Records Disclosure Order
*Oregon Military Department*
DOJ File No. 248001-GA0104-14

Dear Mr. Francis:

This letter is the Attorney General's order in response to your petition asking the Oregon Military Department (OMD) to provide certain records to you under the Oregon Public Records Law, ORS 192.410 to 192.505. The records in question relate to a military procurement. OMD responded to your request by informing you that the records in question were in the custody and control of federal military personnel, and suggested that you request them under the federal Freedom of Information Act (FOIA). OMD also offered to make the FOIA request for you. In your petition you express skepticism that OMD is correctly applying the Oregon Public Records Law, noting that if OMD personnel have responsive records for purposes connected with the state military department's duties, those records are public records under ORS 192.410 and OMD is a custodian of the records under the same statute.

Following receipt of your petition, we spoke to OMD. OMD explained that the procurement you are inquiring about is a federal procurement and that no OMD staff has had any involvement in it. In response to specific questions, OMD was unequivocal that its personnel do

not have custody of any records responsive to your request. We are satisfied that OMD is not a custodian of the records you have requested. As a consequence, we respectfully deny your petition.

Sincerely,

STEVEN A. WOLF
Chief Counsel

cc via email only:
Karl D. Jorgenson, OMD