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September 29, 2014

Wendie L. Kellington
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PO Box 159
Lake Oswego, OR 97034

Re: Petition for Disclosure of Public Records Order
Department of Land Conservation and Development
Land Conservation and Development Commission
DOJ File No. 660001-GA0089-14

Dear Ms. Kellington:

This letter is the Attorney General's order in response to your petition asking that we order the Department of Land Conservation and Development (DLCD) and the Land Conservation and Development Commission (LCDC) to disclose certain public records to you. Specifically, you sought all public records generated after February 20, 2014, that 1) discuss or otherwise refer to the *Barkers Five* appellate opinion including discussions about proceedings or outcomes on remand, or 2) contain certain terms listed in your petition.

DLCD/LCDC initially denied your request for those records on the basis that the requested records were exempt from disclosure under ORS 192.501(1) (the litigation exemption) because they were disclosed between DLCD/LCDC and other public bodies as part of a joint defense agreement between them. We understand that DLCD/LCDC are no longer asserting that a joint defense agreement exempts these records from disclosure, and will provide you with the records that you requested. In doing so, DLCD/LCDC may make some redactions to the materials based on one or more other exemptions. To the extent you believe that any redactions are not justified, you are naturally free to petition our office to review those redactions. Your petition is respectfully denied as moot.

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

MCK:bwl/5875196-v1
C: Cassaria Taylor, LCDC