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March 2, 2015

SENT VIA EMAIL ONLY

Donald Scott Upham
3906 SW Altadena Ave.
Portland, OR 97239
dsupham58@gmail.com

Re: Petition for Public Records Order
Public Employees Retirement System
DOJ File No. 459001-GA0057-15

Dear Mr. Upham:

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. Your petition, which we received on February 23, 2015, requests an order directing the Public Employees Retirement System (PERS) to disclose the following records: "The number of people in Oregon who are residents of Oregon who have been denied their tax remedy for 2015." For the reasons that follow, 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. Any person who is denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld from public inspection. ORS 192.450(1). The Attorney General may order a state agency to disclose records only when the agency has denied a request to inspect or receive a copy of the records. *See* ORS 192.450(1).

We received your petition on February 23, 2015. On February 24, 2015, we contacted PERS regarding your petition. On February 25, 2015, PERS informed us that it was mailing a response to your public records request that same day. PERS' response included a copy of an electronic mail message dated February 9, 2015, sent from PERS to the office of Senator Ginny

Burdick, describing the number of letters that it sent to benefit recipients at both Oregon and non-Oregon addresses seeking clarification regarding their residency, the number of tax remedy payments that PERS denied or granted based on the responses (or lack of responses) that it received, and the number of appeals that PERS had received regarding the tax remedy payment.

The Attorney General may order a state agency to disclose records only when the agency has denied a request for records. *See* ORS 192.450(1). Because PERS has provided you with the records responsive to your request, we respectfully deny your petition as moot.

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

cc via email only:
Stephanie Vaughn, PERS
Steve Rodeman, PERS