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DEPARTMENT OF JUSTICE

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June 21, 2010

Erin Olson
Law Office of Erin Olson, P.C.
2014 Broadway St.
Portland, OR 97232-1511

Re: Petition for Public Records Disclosure Order:
Department of Administrative Services/Risk Management Division Records

Dear Ms. Olson:

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 June 7, 2010[1], asks the Attorney General to direct the Department of Administrative Services, Risk Management Division (Risk Management) to produce

> Copies of all settlement agreements entered into, or releases obtained, by the State of Oregon or any of its agencies, employees, or agents since January 1, 2000, which settled claims arising from allegations that foster children were abused or neglected while in the legal custody of the State of Oregon's Department of Human Services or its predecessor agency(ies).

You requested the records in question on February 5, 2010. In making the request, you agreed to pay the associated reasonable costs. On March 20, you reiterated your request to Risk Management. As of the date of your petition, you had not received any response.

Risk Management acknowledges that it received your letters and that it has not responded to them. However, Risk Management states that this was an inadvertent oversight, and that it is willing to provide you with the non-exempt information responsive to your request. In fact, Risk Management has provided you with a spreadsheet listing matters from which documents responsive to your request would have originated, including a description of the claim and the settlement amount. In providing the spreadsheet to you, Risk Management expressed the belief

[1] You courteously allowed us until June 21, 2010 to issue our order after we inadvertently neglected your correspondence.

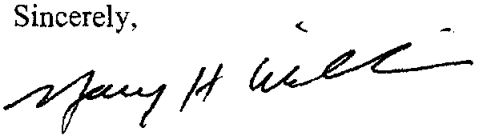
that it may contain the information you require. In the alternative, Risk Management suggested that you may be able to use the document to request specific agreements. Risk Management also informed you of the estimated costs for proceeding to provide the full text of all of the documents you requested after reviewing them for exempt material.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitation. *See* ORS 192.420. If a state agency denies a request for records, the requestor may petition the Attorney General for review of the denial. ORS 192.450.

Risk Management acknowledges that it inadvertently neglected your request. To the extent that inadvertent neglect may have constituted a denial of your request, Risk Management's more recent actions establish that the division is now granting your request, with a possible exception for information in the requested agreements that Risk Management concludes is exempt. Under the circumstances, we respectfully deny your petition. But for the significant concrete steps Risk Management has taken since learning of its oversight, which we think illustrate good faith on the part of Risk Management, we might have reached a different result.

We recognize, of course, that you may decide that you require all of the documents you initially requested. In response, Risk Management might determine that some information is exempt from disclosure. In that event, you will be free to petition this office to review any claim of exemption that you feel is unjustified.

Sincerely,



MARY H. WILLIAMS
Deputy Attorney General

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c: Jennifer Coney, Acting Risk Manager, DAS/Risk Management