PUBLIC RECORDS - Confidential Info Exemption

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Betty J. Reynolds
Executive Director
Oregon Government Ethics Commission
155 Cottage Street, N.E.
Salem, Oregon 97310

Re: Request for Attorney General Public Records Disclosure Order to Oregon Government Ethics Commission

Dear Mr. Dutli and Ms. Reynolds:

This letter responds to the petition of your client, Henry Hartley, requesting the Attorney General to order the Oregon Government Ethics Commission to produce additional records regarding alleged ethics law violations by Henry Hartley, et al. The petition was received by the Department of Justice on July 30, 1986.

The petition is denied in part, and granted in part with the proviso that certain documents not disclosed by the Ethics Commission previously may have been made available to your client by other sources.

We have reviewed summaries of the documents that previously have not been disclosed to you by the Ethics Commission, and we have reviewed the agency's reasons for withholding disclosure. The documents are of three types: internal advisory communications, confidential disclosures by citizens, and copies of personnel records. In our view, the first set of documents, including telephone notes of advice received from counsel and investigative notes and draft reports containing other than factual information, are exempt from disclosure under ORS 192.500(2)(a).

The second set of documents, comprising information voluntarily submitted by citizens upon condition of confidentiality, are exempt from disclosure under ORS 192.500(2)(c).

The third set of documents is comprised of subpenaed personnel files of the spouses of Mr. Hartley and Mr. Mouda. To the extent that these personnel records include statements such as prior employment history that are not "personal" for the purposes of ORS 192.500(2)(b) they may be disclosed; of course, the persons who are the subject of the personnel files may ask the original custodian of those files for disclosure. We assume that you already have had access to these personnel files, but if not, please contact me.

If you have any other questions or comments, please do not hesitate to contact me.

Very truly yours,

JAMES E. MOUNTAIN, JR.
Special Counsel to the
Attorney General

JEM/js