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January 22, 2010

Therese Bottomly, Managing Editor
Michelle Cole, Staff Reporter
The Oregonian
1320 SW Broadway
Portland, OR 97201-3499

Re: Request for Reconsideration of November 19, 2009 Public Records Order

Dear Ms. Cole and Ms. Bottomly

On January 15, 2010, we received your correspondence asking the Attorney General to reconsider a Public Records Order issued to Ms. Cole on November 23, 2009. That order denied Ms. Cole's petition for an order requiring the State Medical Examiner to disclose certain reports pertaining to Moises Perez. The denial was based on the Medical Examiner's willingness to make certain information available from the reports, and our conclusion that, on balance, the public interest did not require disclosure of the remainder of the information.

Your request for reconsideration argues that, even if the exemption is available, the Medical Examiner should have exercised her discretion to disclose the records. You also claim that the order failed to apply an applicable presumption in favor of disclosing the records, and that the evaluation of the public's interest in disclosure ignored pertinent context relevant to Mr. Perez's death in the custody of the Oregon State Hospital. You assert that it is inappropriate to evaluate the public interest in disclosure based on our assessment of the contents of the documents. After considering your arguments, we decline to reconsider our previous order. In our view, we correctly balanced the public interest in disclosure with the confidentiality interests that the legislature intended to protect.

Sincerely,

DAVID E. LEITH
Associate Attorney General

C: Karen Gunson, State Medical Examiner