DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

WILLIAM F. GARY
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

August 6, 1986

Jeff Waarvick
Attorney at Law
924 SW Hurbert Street
P.O. Box 1144
Newport, Oregon 97365

Re: Request for Public Records Order to Department of Agriculture

Dear Mr. Waarvick:

This letter responds to your petition requesting the Attorney General to order the Department of Agriculture to disclose production records of Fowler's Yaquina Pacific Oyster Company from 1976 to the present. Your petition was received by the Department of Justice on July 30, 1986. Your request for disclosure of certain forms entitled "report and payment of quarterly oyster cultivation fee and use tax" is denied.

These documents are exempt from disclosure under ORS 192.500(1)(e). The information you requested consists of production records required by law to be submitted to the Department of Agriculture to allow the department to determine fees or assessments, and the information is in a form which would permit identification of the individual concern or enterprise. We believe that the public interest does not outweigh the interest in non-disclosure where the statute was intended to protect information which would allow a determination of a particular business' production level, and where the statute does not limit the use of the documents you requested for regulatory purposes.

We discussed this order by phone on August 6, 1986, but if you have any questions or comments please do not hesitate to contact me.

Very truly yours,

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

JEM:cm
cc: William Wright, Department of Agriculture
Kurt Burkholder, Assistant Attorney General