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DEPUTY ATTORNEY GENERAL



DEPARTMENT OF JUSTICE

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April 4, 2011

SENT VIA REGULAR MAIL & EMAIL

Les Zaitz, Senior Investigative Reporter
The Oregonian
P.O. Box 837
John Day, OR 97845
(lzaitz@oregonian.com)

Re: Petition for Public Records Disclosure Order:
Oregon State Treasury Records

Dear Mr. Zaitz:

This is the Attorney General's order on your petition for review of the denial of the Oregon State Treasury (OST) of your request for public records under the Public Records Law, ORS 192.410 to 192.505. We received your petition, dated March 22, 2011, on the same day.[1] Your petition asks the Attorney General to order OST to disclose communications between OST executive staff and "all law firms providing services to state investment officers who are being paid by OST from Jan. 17, 2011, to the date of the request." For the reason that follows, we respectfully dismiss your petition.

The Public Records Law confers the right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. Any person denied the right to inspect or to receive a copy of a public record may petition the Attorney General to review the record and determine if disclosure is required. ORS 192.450(1). However, the Attorney General has no authority to review the actions taken in response to a request for public records that are in the custody of an elected official, or in the custody of another person but as to which the elected official claims the right to withhold disclosure. ORS 192.480.

We received a letter from Pete Shepherd, counsel to OST, about your petition. Mr. Shepherd confirms that the State Treasurer is asserting the lawyer-client privilege as to the

[1] Thank you for allowing us until April 4, 2011 to issue our order in response to your petition.

records you seek. ORS 192.480 provides that "[a] petition * * * shall not be considered by the Attorney General * * * after a claim of right to withhold disclosure by an elected official." Under the circumstances, we conclude that we do not have jurisdiction. Accordingly, we respectfully dismiss your petition.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

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c: Pete Shepherd, OST