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January 11, 2011

SENT VIA ELECTRONIC MAIL: wtharbaugh@gmail.com

Professor William Harbaugh
538 PLC
1285 University of Oregon
Eugene, OR 97403-1285

Re: Petition for Public Records Disclosure Order:
Oregon Department of Justice Records

Dear Professor Harbaugh:

This letter is the Attorney General's response to your petition for disclosure of records under the Public Records Law. In your petition, which we received on January 4, 2011, you ask for "documents related to the DOJ's investigation of the DOJ's investigation of its Special Assistant Attorney General (and UO General Counsel) Melinda Grier."

You originally requested these documents on May 4, 2010. Department of Justice (DOJ) Communications and Policy Director Tony Green denied your request by email dated May 17, 2010, stating, "We have determined that the records you requested are privileged as part of a legal review done for the Attorney General. Because there remains a risk of litigation around the underlying issues, the Attorney General does not intend to waive that privilege." You subsequently renewed your request on December 20, 2010. By email dated January 4, 2011, Government Tranparency Counsel and Assistant Attorney General Michael Kron informed you that "DOJ continues to assert the privilege with respect to the Grier materials."

Your petition effectively asks the Department to review its own response to your initial request. DOJ's decisions and responses in this matter have been made by Department personnel to whom the Attorney General had delegated his authority to issue public records orders under ORS 192.450. Therefore, the public records request process and the public records petition process were effectively joined. We respectfully deny your petition.

Sincerely,

Mary H Williams

MARY H. WILLIAMS
Deputy Attorney General

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