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MARY H. WILLIAMS
Deputy Attorney General

DEPARTMENT OF JUSTICE
1162 Court Street NE
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July 9, 2012

Cynthia Kendoll
2035 Hollywood Dr. N.E.
Salem, OR 97305

Re: Petition for Public Records Order
Governor's Office – Legal Counsel; Office of Diversity, Inclusion & Affirmative Action
DOJ File No. 121-010-GA0053-12

Dear Ms. Kendoll:

On July 2, 2012, we received your petition asking the Attorney General to issue an order under ORS 192.450 directing the Governor's office and the Director of the Governor's Office of Diversity, Inclusion & Affirmative Action to provide records pertaining to "a 'workgroup' established to evaluate the issuance of some form of Oregon Drivers License (ODL) or Oregon Identity Card (OIC) to undocumented foreign nationals (illegal aliens) in the state." We respectfully dismiss your petition because the Attorney General lacks jurisdiction, for the reasons that follow.

As you note in your petition, your public records request was denied based on representations by the Governor's legal counsel and by a senior policy advisor to the Governor that the information you seek is not subject to public disclosure. Because your request was denied by an elected official, the Governor, acting through his counsel and staff, ORS 192.480 deprives the Attorney General of jurisdiction to hear your dispute:

> In any case in which a person is denied the right to inspect or to receive a copy of a public record * * * in the custody of any other person but as to which an elected official claims the right to withhold disclosure, no petition to require disclosure may be filed with the Attorney General * * * or if a petition is filed it shall not be considered by the Attorney General * * *.

ORS 192.480 therefore requires us to dismiss your petition.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

MHW:SAW:clr:DM3489669
c: Liani J. Reeves, General Counsel, Office of the Governor
Frank Garcia, Senior Policy Advisor and Director of Governor's Office of Diversity, Inclusion & Affirmative Action