ELLEN F. ROSENBLUM
ATTORNEY GENERAL

FREDERICK M. BOSS
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-4400

June 17, 2016

Thomas Joseph Omann
P.O. Box 623
Halfway, OR 97834

Re: Petition for Public Records Disclosure Order
Oregon Department of Revenue
DOJ File No. 150101-GA0083-16

Dear Mr. Omann:

This letter is the Attorney General's order on your petition for public records disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505, which we received on June 9, 2016. We are treating your letter as a petition for the Attorney General to order the Department of Revenue (DOR) to produce records because, although it does not explicitly ask for such an order under ORS 192.450, it contains the same information required in a petition, *see* ORS 192.470, and notes that it was sent to exhaust your administrative remedies. Based on your letter and your January 14, 2016 records request (provided to us by DOR), the following appear to be the records at issue:

1. "[T]he written delegation of authority . . . to [DOR] employee Shawna Johnson."
2. "[T]he Taxpayer Identification Number (TIN) and the Committee on Uniform Security Identification Procedures (CUSIP) number of ODOR."
3. "A copy of [the director's] official Oath of Office, specifically setting forth [the director's] duties."
4. "[A]ll documents . . . having to do with the tender of negotiable instruments to extinguish alleged obligation . . . ."

We respectfully deny your petition because DOR has provided you or is preparing to provide you with any responsive records it possesses.

The Oregon Public Records Law confers a right to access any public record of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420(1). Any person denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the public record to determine if it may be withheld. ORS 192.450(1). The Attorney General may order a state agency to disclose records only when the agency has denied the records request. *See id.*

We have spoken with Joy Krawczyk, DOR's public information officer. She explained the following with respect to the records listed in your petition:

- *"[T]he written delegation of authority . . . to [DOR] employee Shawna Johnson."* Ms. Krawczyk told us that DOR does not possess any written delegation of authority specific to Ms. Johnson, a tax auditor, but that on March 8 she mailed you the position description for tax auditors, which among other things describes an auditor's duties. On June 7 she mailed you DOR's policy delegating the director's powers to other employees and DOR's policy authorizing certain employees to sign or act for the department. Therefore, we deny this portion of your petition because to the extent DOR has any responsive records it has provided them to you.

- *"[T]he Taxpayer Identification Number (TIN) and the Committee on Uniform Security Identification Procedures (CUSIP) number of ODOR."* Ms. Krawczyk explained to us that DOR does not possess a CUSIP number, and therefore has no responsive records. She added that DOR is preparing to send you its TIN. Therefore, we deny this portion of your petition as moot.

- *"A copy of [the director's] official Oath of Office, specifically setting forth [the director's] duties."* Ms. Krawczyk told us that no oath of office is administered to acting directors, but that she provided you with DOR's policy showing how the director's authority is delegated within the department. Because DOR possesses no responsive records, we deny this portion of your petition.

- *"[A]ll documents . . . having to do with the tender of negotiable instruments to extinguish alleged obligation . . . ."* Ms. Krawczyk told us that in a May 17 letter you clarified this request to the following: procedures followed by employees when receiving commercial instruments other than check, cash, and money orders. She responded to this clarification on June 7 by sending you DOR's policy for processing returned checks and money orders. She added that DOR does not possess any written policies specific to other types of commercial instruments. Therefore, to the extent DOR has any responsive records it has provided them to you; we deny this portion of your petition.

As described above, DOR has provided you or is preparing to provide you with any records it possesses responsive to the requests outlined in your petition. Therefore we respectfully deny your petition.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:nog/DM7454142
c via email only: Joy Krawczyk, DOR