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July 13, 2016

VIA E-MAIL ONLY: b.simmonslaw@outlook.com

Brian Simmons
PO Box 692
Bothell, WA 98041

Re: Petition for Public Records Disclosure Order
Oregon Department of Consumer & Business Services
DOJ File No.: 440020-GA0095-16

Dear Mr. Simmons:

This letter is the Attorney General's order responding to your July 6, 2016, petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition asks the Attorney General to order the Department of Consumer & Business Services (DCBS) to produce the following records:

> The most up-to-date 2016 record information for the following Oregon license/registration types: 1) Consumer Finance License, 2) Consumer Finance Registration, 3) Exempt Company Registration, 4) Mortgage Lender License, 5) Consumer Finance Branch License, and 6) Mortgage Lender Branch License [including] 1) Company name, 2) Address, 3) Phone number, 4) Branch manager or company contact name, 5) Email address, 6) License number, and 7) License types.

We respectfully deny your petition: DCBS is preparing to produce the requested information, save for e-mail addresses, which are exempt from disclosure under ORS 192.502(40).

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions contained in ORS 192.501 to 192.505. *See* ORS 192.420(1). Any person denied the right to inspect or to receive a copy of a public record

of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450(1). The agency carries the burden to sustain any such denial. *Id.*

We spoke with Rick Blackwell, a senior policy analyst at DCBS. He told us that DCBS is now preparing to gather, review, and produce the requested licensee information except for e-mail addresses. He explained that DCBS is withholding those e-mail addresses based on ORS 192.502(40), which exempts from disclosure "electronic mail addresses in the possession or custody of an agency . . . of the executive department."

We have advised that applying ORS 192.502(40) where "the purpose of the request is to acquire e-mail addresses" is consistent with the intent of the legislature in enacting the exemption. *Attorney General's Public Records & Meetings Manual* 116 (2014). Your request appears to be made for that purpose. Not only do you specifically request email addresses, but you explained to us that you work for a company that analyzes the mortgage industry, and that you would use the e-mail addresses to contact licensees. ORS 192.502(40) authorizes DCBS to withhold emails under these circumstances.

Based on the above, we respectfully deny your petition: the portion of your petition requesting various licensee information is moot as DCBS is now preparing to send you this information, while the licensee e-mail addresses are exempt from disclosure under ORS 192.502(40).

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:nog/DM7527497
c via email only: Rick Blackwell, DCBS
Van M. Pounds, DCBS