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

November 16, 2016

VIA EMAIL ONLY: birkatlaw@yahoo.com

Robert A. Birk
Attorney at Law
PO Box 92126
Portland, OR 97292

Re: Petition for Public Records Disclosure Order
Oregon Judicial Department
DOJ File No. 109040-GA0136-16

Dear Mr. Birk:

This letter is the Attorney General's order on your petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received after the close of business on November 9th, asks the Attorney General to order Presiding Judge Lung S. Hung and Trial Court Administrator Kim Migliaccio, both of the Malheur County Circuit Court, to produce a public record showing the legible name of the current grand jury foreman.

Your petition shows that the court did produce to you a copy of an indictment bearing the signature of the grand jury foreman; however, you contend that this was a denial of your records request because the signature was illegible. We spoke with Lori DePaulis, assistant legal counsel at the Oregon Judicial Department's Office of the State Court Administrator. She explained that except for other indictments bearing similar signatures, the court does not have any record identifying a grand juror as the foreman.

Because the court did not deny your records request, we respectfully deny your petition. *See* ORS 192.450(1) (Attorney General may order a state agency to disclose records only when the agency has denied the records request).

Sincerely,

/s/ Frederick M. Boss
Deputy Attorney General

FMB:ne2/DM7854140
c via email only: Lori DePaulis, OJD