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

February 23, 2017

VIA EMAIL ONLY: dhall@midmaine.com

Darren M. Hall
10240 SW Paulina Drive
Tualatin, OR 97062

Re: Petition for Public Records Disclosure Order
Board of Accountancy
DOJ File No.: 120001-120001-14

Dear Mr. Hall:

This letter is the Attorney General's order responding to your February 16, 2017, petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition asks the Attorney General to order the Board of Accountancy (the Board) to produce audio recordings of its meetings held on December 5, 2016, and on February 2, 2017, as well as draft minutes from the February meeting.

Your petition shows that Dirk Pierson from the Department of Justice (DOJ) denied your request for these records as being unrelated to your pending litigation against the Board. We spoke with Mr. Pierson, who explained that as the Board's attorney in this litigation, he treated your request for records as one made pursuant to litigation discovery rules, not as a public records request. An e-mail from Mr. Pierson to you, dated February 6, 2017, shows that your request would be treated as one made under Rule 43 of the Oregon Rules of Civil Procedure. Discovery requests are governed by those rules, and are distinct from public records requests, which are governed by ORS 192.410 to 192.505.

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Because the Board has not denied any public records request, we respectfully deny your petition. *See* ORS 192.450(1) (requesters may petition the Attorney General only where the state agency has denied the request). However, the Board has agreed to treat your request to Mr. Pierson as a public records request received on today's date, and will process it accordingly.[1]

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM8069382
c via email only: Martin Pittioni, Board of Accountancy
Dirk Pierson, DOJ

[1] To avoid future confusion, please send all discovery requests related to the pending litigation to Mr. Pierson. Public records requests should be directed to the Board, and clearly labeled as such; if the public records request is related to the litigation, a copy should also go to Mr. Pierson, as required by ORS 192.420(2)(a).