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 28, 2017

VIA EMAIL ONLY: birhanzl@gmail.com

William Birhanzl
c/o 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. 198040-198040-14

Dear Mr. Birhanzl:

This letter is the Attorney General's order on your February 21, 2017, petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, asks the Attorney General to order Kim Migliaccio, the Trial Court Administrator for Malheur County Circuit Court, to produce the grand jury clerk's minutes from February 9th, and a public record bearing the typed name of the sitting grand jury foreman.

We spoke with Lori DePaulis, Assistant Legal Counsel at Oregon Judicial Department's Office of the State Court Administrator. She explained that the administrator does not maintain a copy of the grand jury clerk's minutes; in a previous public records order issued to your attorney, dated February 21st, we explained that there is no indication that the administrator is the custodian of these minutes. Ms. DePaulis also told us that the administrator does not possess a typed record identifying the current grand jury foreman, but that you have been provided with an indictment bearing the foreman's signature.

Because the trial court administrator does not possess the requested records and is not those records' custodian, we respectfully deny your petition.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM8079861
c via email only: Lori DePaulis, OJD