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

April 6, 2017

VIA EMAIL ONLY: bschmidt@oregonian.com

Brad Schmidt
The Oregonian
1500 SW 1st Ave, Suite 400
Portland, OR 97201

Re: Petition for Public Records Disclosure Order
Oregon Department of Human Services
DOJ File No.: 100101-GA0077-17

Dear Mr. Schmidt:

This letter is the Attorney General's order responding to 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 March 29, 2017, asks the Attorney General to order the Oregon Department of Human Services (DHS) to produce the following:

> A list of all 82 daycare providers where abuse or neglect occurred between 2011 and 2015; the daycare provider's name; license number (as listed with the Office of Child Care); the city where the abuse/neglect occurred; the specific allegations; the date of the allegations; the result of the investigation; the date the investigation was completed; and any narrative about the findings; and the full name of the defendant.

We spoke with Andrea Cantu-Schomus at DHS; she told us that DHS will review its files and produce any nonexempt information you've requested. While reports and records compiled under DHS's duties to investigate reports of child abuse are generally exempt from disclosure under Oregon's Public Records Law, ORS 419B.035(1), DHS must make these records available to any person "if the reports or records requested regard an incident in which a child, as a result of abuse, died or suffered serious physical injury as defined in ORS 161.015," ORS 419B.035(1)(i).

Because DHS has now agreed to produce these records to you, we respectfully deny your petition as moot. DHS may redact certain information under ORS 419B.035(2)(a), which exempts from disclosure "the names, addresses and other identifying information about other children, witnesses, victims or other persons named in the report of record if the department determines, in written findings, that the safety of well-being of a person named in the report or record may be jeopardized by disclosure . . . and if that concern outweighs the public's interest in the disclosure of that information." If you wish to contest any redactions made by DHS under this provision, you may submit a new petition to our office.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM8175180
c via email only: Gene Evans, DHS
Andrea Cantu-Schomus, DHS