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January 15, 2019

VIA EMAIL ONLY: candace.mantel@gd-ltd.com and patrick.tate@state.or.us

Candace Mantel
Global Discoveries Ltd.
PO Box 1748
Modesto, CA 95353

Patrick Tate
Department of State Lands
775 Summer St, NE, Suite 100
Salem, OR 97301

Re: Petition for Public Records Disclosure Order
Department of State Lands
DOJ File No.: 141081-GA0002-19

Dear Ms. Mantel and Mr. Tate:

This letter is the Attorney General's response to Ms. Mantel's petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. The petition asks us to order the Department of State Lands (DSL) to produce records relating to certain unclaimed funds delivered to DSL. For the reasons discussed below, we grant Ms. Mantel's petition and order DSL to disclose the requested information.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). The law is a disclosure law. Even if a public body perceives reasons to withhold a record, it must disclose the record unless an express statutory exemption to disclosure applies. *See Attorney General's Public Records and Meetings Manual* at 28 (2014). Any person denied the right 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 192.411(1). The agency carries the burden to sustain any such denial. *Id.*

Ms. Mantel's January 3, 2019, public records request sought:

1. The name, address, email, contact number, etc., for the original holder of the unclaimed funds.

2. All other information provided to DSL by the holder of the funds, to include any documents, data records, communications, etc., directly related to the unclaimed funds.

3. The tax ID number for the listed owner of the unclaimed funds (listed as Quality Electronics, Inc.).

DSL denied Ms. Mantel's request on January 7, 2019, noting that DSL's finder list does not contain the contact information for holders, that the original holder did not provide any supporting documentation, and that the listed owner's tax ID number is confidential.

We contacted Patrick Tate, DSL's Trust Property Manager, who provided DSL's complete record relating to the unclaimed funds. That record, which consists of three pages, contains the holder's name, address and telephone number. It also contains information provided by the holder that appears responsive to the second part of Ms. Mantel's request, such as transaction start and end dates, an account number, and the amount of the unclaimed funds.[1] Finally, the record contains the listed owner's tax ID number, specifically, its employer identification number (EIN). But the number appears to be a placeholder and not a valid EIN.

DSL has not identified any express authority for why any of this information is exempt from disclosure, and we are not aware of such authority. We therefore grant the petition and order DSL to produce the requested information. Pursuant to ORS 192.411(2), DSL must produce the information within seven days or issue a notice to the Attorney General and by certified mail to Ms. Mantel of its intent to institute proceedings for injunctive or declaratory relief.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM9392914
c: Melissa Pelton, DSL

[1] DSL continues to represent, and the record indicates, that the original holder did not submit any additional documentation, records or communications directly related to the unclaimed funds.