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March 12, 2019

VIA EMAIL ONLY: cwithycombe@eomediagroup.com

Claire Withycombe
2870 Broadway NE
Salem, OR 97303

Re: Petition for Public Records Disclosure Order
Bureau of Labor and Industries
DOJ File No.: 839107-GA0020-19

Dear Ms. Withycombe:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Bureau of Labor and Industries (BOLI) to disclose certain interview notes and transcripts obtained during an investigation into allegations of a hostile work environment and discrimination within the Oregon Legislative Assembly. We respectfully dismiss your petition because the Attorney General does not have the authority to review the denial of a public records request when the requested records are in the custody of an elected official.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.314(1). Any person denied the right to inspect or 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). However, if the public record at issue is in the custody of an elected official, then "no petition to require disclosure may be filed with the Attorney General." ORS 192.427. In such a case, the person denied the right to inspect a public record may "institute proceedings for injunctive or declaratory relief in the appropriate circuit court." *Id.*

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Because your petition seeks records in the custody of the Labor Commissioner, an elected official, we must respectfully dismiss your petition. *See* ORS 651.030 (Labor Commissioner is an elected official and head of BOLI).

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM9481863
c via email only: Marcia Ohlemiller (BOLI)