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

November 6, 2019

VIA EMAIL ONLY: dsupham58@gmail.com

Donald Scott Upham
3906 SW Altadena Ave
Portland, OR 97239

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No. 257001-GA0137-19

Dear Mr. Upham:

This letter is the Attorney General's response to two petitions, submitted on behalf of your client, for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petitions, received by this office on October 30, 2019 and November 4, 2019, ask the Attorney General to order the Oregon State Police (OSP) to disclose certain communications between Dylan Sullivan and someone named Jehnni that were seized pursuant to a search warrant.

We denied a petition by you for these same records earlier this year. *See* Public Records Order, Apr 1, 2019, Upham. During our previous review, OSP explained its position that Jehnni was the pseudonym for a minor female with whom Mr. Sullivan had engaged in sexually inappropriate communications. We concluded that OSP may withhold the records under ORS 192.345(3) because disclosure would result in the unreasonable invasion of privacy of a child victim.

You now contend that Jehnni is not a pseudonym and that Jehnni was an adult when she communicated with Mr. Sullivan. We invited you to provide information to support your claim but you declined. We also contacted OSP regarding your petitions and they disputed your claim. They explained that investigators confirmed that the child victim used the name Jehnni when communicating with Mr. Sullivan.

Under the circumstances, we find no reason to question OSP's representations or to reconsider our prior order. We therefore respectfully deny your petitions.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM9927228
c: via email only: Laura Heathcock, OSP