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November 9, 2020

VIA E-MAIL ONLY: ryan.patrick.patrick.mcfarland@gmail.com

Ryan Patrick McFarland
12245 SW Pioneer Lane, Apt 218
Beaverton, OR 97008

Re: Petition for Public Records Disclosure Order
Oregon Judicial Department
DOJ File No.: 198040-GA0104-20

Dear Mr. McFarland:

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 Washington County Circuit Court (the "court") to disclose certain Skype instant messages created by court personnel on October 12, 2020 in Case Number 20PO04468. Your petition explains that the court denied your request for these messages on October 30, 2020. For the reasons that follow, we respectfully dismiss your petition.

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 and exemptions from disclosure must be express. 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). The agency carries the burden to sustain its actions. ORS 192.411(1).

We contacted Tim Lewis, a Senior Assistant General Counsel in the Oregon Judicial Department, regarding your petition. He explained that in light of your petition, the trial court administrator provided the responsive messages to you on November 3, 2020. We understand that you believe the court has additional messages that are responsive to your request that it did not disclose. According to Mr. Lewis, however, the court conducted another search but did not

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locate any additional messages. We have no reason to second-guess his representation and we cannot order the court to disclose records that do not exist. And because the court has disclosed the messages you requested, we respectfully dismiss your petition as moot.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:nog/DM10520220
c via e-mail only: Tim Lewis (OJD)