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April 9, 2021

VIA EMAIL ONLY: daldee1971@yahoo.com

Edward J. Gray
202 South 12th St
La Grande, OR 97850

Re: Petition for Public Records Disclosure Order
Oregon Department of Human Services
DOJ File No.: 10031-GA0038-21

Dear Mr. Gray:

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 Oregon Department of Human Services (DHS) to disclose records relating to a public assistance fraud complaint filed by you in 2014. 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).

According to your petition, DHS denied your request claiming the records are exempt from disclosure under ORS 177.180(2). That provision makes confidential the identity of any person who reports waste, inefficiency or abuse by state agencies or state employees to the Oregon Secretary of State. We contacted DHS regarding your petition. DHS acknowledged that ORS 177.180(2) does not apply to the records you requested. DHS has therefore agreed to reprocess your request, subject to the redaction of any information it concludes is exempt from disclosure. *See* ORS 192.338 (duty to separate exempt and nonexempt material). If you disagree with any such redactions, you may petition this office for review.

Because DHS has agreed to process your request, we respectfully dismiss your petition as moot.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn
c via email only: Kimberly Colkitt-Hallman (DHS)