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September 2, 2021

VIA E-MAIL ONLY: mferris@msmlegal

Megan Ferris
MacMillan, Sholz & Marks, P.C.
900 SW Fifth Ave, Ste 1800
Portland, OR 97204

Re: Petition for Public Records Disclosure Order
Department of Justice
DOJ File No.: 13704-GA0001-21

Dear Ms. Ferris:

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 Department of Justice (DOJ) to disclose certain records that DOJ asserts are currently exempt because they pertain to anticipated litigation. *See* ORS 192.345(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. Because your petition seeks records in the custody of the Attorney General, an elected official, we must respectfully dismiss your petition. *See* ORS 180.020 (Attorney General is an elected official); ORS 180.210 (Attorney General is the head of DOJ); and ORS 180.140 (Attorney General is responsible for the acts of assistants).

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn