ELLEN F. ROSENBLUM
ATTORNEY GENERAL

LISA M. UDLAND
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-6002

June 17, 2022

Phillip L. Nelson
SWIS #824386
11540 NE Inverness Dr.
Portland, OR 97220

Re: Petition for Public Records Disclosure Order
Office of Public Defense Services
DOJ File No.: 404001-GA0047-22

Dear Mr. Nelson:

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 Office of Public Defense Services (OPDS) to disclose all financial statements for case number 20CR33471, including attorney fee statements and routine expense reports. Your petition states that you requested these records in February and March 2022, and although OPDS has disclosed some records, you do not believe that OPDS has disclosed all responsive records to you.

We contacted Erick Deitrick, OPDS Legal Counsel, regarding your petition. He explained OPDS' position that it has disclosed all responsive records in its custody to you and has been doing so on a rolling basis since December 2021. He also informed us that OPDS informed you on June 6, 2022, that it is not the custodian of some of the records you requested – specifically, financial statements relating to two contract attorneys – because those attorneys do not receive direct compensation from OPDS for legal services.

///

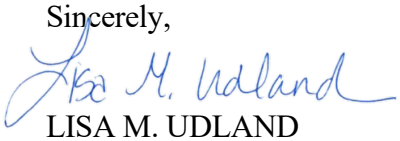
///

///

///

Under the circumstances, we have no reason to second-guess Mr. Detrick's representation that OPDS has completed its response to your request, to include informing you that it is not the custodian of some of the records you seek. *See* ORS 192.329(2)(d). And because we cannot order OPDS to disclose records for which it is not the custodian, we must respectfully deny your petition.

Sincerely,



LISA M. UDLAND
Deputy Attorney General

ACF:pjn
c via e-mail only: Erick Detrick (OPDS)