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August 15, 2022

Henry M. Childress
SID #10977753
Warner Creek Correctional Facility
P.O. Box 1500
Lakeview, OR 97630

Re: Petition for Public Records Disclosure Order
Oregon State Bar
DOJ File No.: 993001-GA0064-22

Dear Mr. Childress:

This letter is the Attorney General's response to a petition filed by you under the Oregon Public Records Law, ORS 192.311 to 192.431. You ask us to order the Oregon State Bar (the "Bar") to produce a list[1] of various complaint information against a named attorney.

In response to your petition, we contacted Nik Chourey, the Bar's Deputy General Counsel. He explained that although the Bar does not maintain a list that contains all of the specific information you seek, the Bar did disclose to you a list that contains most of the requested information. He also explained the Bar's position that, under the Public Records Law, the Bar is not required to supplement that list, create a new record, or answer questions about its records in response to your request. *See Attorney General's Public Records and Meetings Manual* at 7 (2019); and Public Records Order, Sept 20, 2021, Volin (the law only applies to records that exist at the time of a public records request). Nevertheless, he explained, in light of your petition the Bar has disclosed to you the additional information you requested.

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[1] Your request specified that you are seeking a condensation of records pursuant to ORS 192.360. That provision only applies to records subject to disclosure under ORS 192.355(9)(b); i.e., factual information contained in otherwise privileged investigative records prepared by, or at the direction of, an attorney into alleged wrongdoing by a public body that must be disclosed in certain limited circumstances. Because ORS 192.355(9)(b) does not appear to apply to the information you requested from the Bar, we conclude that ORS 192.360 does not apply to your request.

Because the Bar has disclosed to you the information you seek, we respectfully dismiss your petition as moot.

Sincerely,

Lisa M. Udland
Deputy Attorney General

ACF:pjn
c via e-mail only: Nik Chourey (OSB)