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

November 14, 2022

VIA E-MAIL ONLY: glunn@oregonlawcenter.org

Gerald Lunn
Oregon Law Center
230 NE 2nd Ave, Ste F
Hillsboro, OR 97124

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100301-GA0104-22

Dear Mr. Lunn:

This letter is the Attorney General's order responding to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition, received by this office on November 2, 2022,[1] asks the Attorney General to order the Oregon Department of Human Services (DHS) to disclose an unredacted copy of the proposal submitted by Maximus Health Services, Inc., in response to a 2018 DHS Request for Proposal. Your petition explains that DHS disclosed a heavily redacted copy of the proposal, asserting that the redacted material is exempt from disclosure as a trade secret.

In response to your petition, we contacted Cheré LeFore, DHS Public Records Unit Manager. She informed us that DHS has agreed to provide you with an unredacted copy of the proposal. However, she explained, DHS' contract with Maximus requires it to provide Maximus with notice of its intent to disclose information that Maximus considers to be confidential five days prior to any disclosure. According to Ms. LeFore, DHS provided Maximus with the required notice on November 10 and therefore expects to disclose the unredacted proposal to you by November 15.[2]

[1] We thank you for granting an extension on the deadline to issue this order.

[2] We note that DHS' expected disclosure date is sooner than we would have been permitted to order DHS to disclose the proposal if we were to grant your petition. *See* ORS 192.411(1) (an Attorney General order granting a petition shall order disclosure within seven days).

Because DHS has agreed to disclose the unredacted proposal to you, we respectfully dismiss your petition as moot.

Sincerely,

Lisa M. Udland

Lisa M. Udland
Deputy Attorney General

ACF:pjn/
c via e-mail: Cheré LeFore (DHS)