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January 12, 1984

John Snell
The Oregonian
1320 S.W. Broadway
Portland, Oregon 97201

Dear Mr. Snell:

This is in response to your renewed request for disclosure of records submitted by G. W. Meling in relation to his application to the Oregon Racing Commission. Specifically, you request:

1. G. W. and Velma M. Meling's 1982 income tax return.

2. A one-page handwritten financial statement of G. W. Meling dated December 17, 1983.

We originally declined to release these records, "in the absence of any showing of public interest which overrides a potential invasion of privacy." Your subsequent request is supported by substantial arguments that an overriding public interest in disclosure in fact exists.

Upon reconsideration, we conclude that notwithstanding the substantial resulting invasion of privacy, an overriding public interest in disclosure exists. The racing industry is not merely subject to substantial regulation in the public interest, it is pervasively regulated. A grant of a license is a grant of a state monopoly. The industry is in danger of being influenced by corrupt interests to an extent which is almost unparalleled. The public interest in the competence, integrity and financial competence of licensees is great. In these circumstances disclosure of those records of an applicant for a license is justified.

We accordingly furnish the records which you seek.

This should not be considered as a precedent for disclosure of personal financial information of applicants for licenses, privileges, etc., in other heavily regulated industries, despite a substantial public interest in their qualifications. Such a substantial invasion of privacy is justified only in rare cases based upon the nature of the industry and the facts which may be involved in a particular instance.

Sincerely,

DAVE FROHNMAYER
Attorney General

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Enclosure