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June 12, 2024

VIA E-MAIL ONLY: finkledl@hotmail.com

Lisa Finkle
3700 NE 102nd Ave
Portland, OR 97220

Re: Petition for Public Records Disclosure Order
Oregon Health Authority
DOJ File No.: 443301-GA0059-24

Dear Ms. Finkle:

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 Health Licensing Office (HLO) of the Oregon Health Authority (OHA) to disclose a log that you believe a particular HLO manager created and maintains to document employees who are late to work.

We discussed your petition with Jeanne Windham in OHA's Public Records Unit. She explained that OHA initially denied your request based on an erroneous determination that the log you seek is exempt from disclosure under ORS 192.345(12) (employee discipline) and ORS 192.355(2) (unreasonable invasion of personal privacy). However, in response to your petition, OHA has determined that the HLO manager has not been maintaining such a log and that no such log exists. Under the circumstances, we have no reason to second-guess Ms. Windham's representation and we cannot order HLO to disclose a record that does not exist. We therefore must respectfully deny your petition.

Sincerely,

Lisa M. Udland

LISA M. UDLAND
Deputy Attorney General

ACF\pjn
c via e-mail only: Jeanne Windham (OHA)