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July 24, 2024

VIA E-MAIL ONLY: ms.daniellemorvan@gmail.com

Danielle Morvan
2270 NW Savier St., Apt. 102
Portland, OR 97210

Re: Petition for Public Records Disclosure Order
Oregon Health Authority
DOJ File No.: 443001-GA0071-24

Dear Ms. Morvan:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition, which we received July 17, 2024, asks the Attorney General to order the Oregon Health Authority (OHA) to disclose the e-mails and Teams messages of a particular OHA employee between August and November 2022. Your petition asserts that you requested this material from OHA on November 21, 2022 but that OHA has only provided incomplete records and its response has been perpetually delayed.

We discussed your petition with Jeanne Windham, OHA's Public Records Coordinator. She informed us that OHA has no record of receiving a records request from you in 2022. However, she explained, OHA did receive a request for the same records in November 2022 from attorney Alan Kessler. Based on your petition, we understand that Mr. Kessler requested the records on your behalf but did not disclose that fact to OHA at the time. Ms. Windham also reported that in December 2023, Mr. Kessler narrowed the timeframe for the requested Teams messages to just November 2022. She explained that OHA completed its response to Mr. Kessler's narrowed request in February 2023 and noted that OHA did not withhold any responsive records. Ms. Windham also informed us that subsequent to your petition, you requested OHA furnish you with the same records that were disclosed to Mr. Kessler in 2023. We understand that those records were furnished to you on July 22, 2024.

Under the circumstances, we must respectfully deny your petition because OHA did not receive a records request from you in November 2022, and it has not otherwise denied or failed to timely respond to any requests from you. *See* ORS 192.407(1)(a) and 192.411(1). If you still

wish to obtain the Teams messages from August to October 2022 that were excluded from Mr. Kessler's narrowed request, you are of course free to submit a new request to OHA for those additional materials.

Sincerely,

Lisa M. Udland

LISA M. UDLAND
Deputy Attorney General

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