DAN RAYFIELD
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

January 21, 2025

VIA E-MAIL ONLY: Blaineyloves3@gmail.com

Blainey Elkins
Blaineyloves3@gmail.com

Re: Petition for Public Records Disclosure Order
Oregon Judicial Department
DOJ File No.: 198040-GA0004-25

Dear Ms. Elkins:

This letter is the Attorney General's response to your January 14, 2025, petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Oregon Judicial Department to disclose the audio recording of a hearing on January 6, 2025, in case 22DR00154.

Any person who has been denied the right to inspect or to receive a copy of any public records of a state agency may petition the Attorney General to determine whether the records may be withheld from public disclosure. *See* ORS 192.411(1). However, if an elected official claims the right to withhold the requested records from public disclosure, then "no petition to require disclosure may be filed with the Attorney General," and if a petition is filed, "it shall not be considered by the Attorney General * * *." ORS 192.427.

The Oregon Judicial Department informs us that the entire record in case 22DR00154, including past and future pleadings, was sealed on April 10, 2024, by Circuit Court Judge Brendan Kane. Because Judge Kane is an elected official who has exercised his authority to withhold the records you seek from public disclosure, ORS 192.427 bars the Attorney General from considering your petition. We therefore respectfully dismiss your petition.

Sincerely,

Lisa M. Udland

LISA M. UDLAND
Deputy Attorney General

DEP:pjn
c via e-mail only: Sam Dupree (OJD)