DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

DEPARTMENT OF JUSTICE
100 State Office Building
Salem, Oregon 97310
Telephone: (503) 378-4400

May 10, 1982

Henry Kane
Attorney at Law
12275 SW Second
P. O. Box 518
Beaverton, OR 97075

Re: Public Records Petition

Dear Mr. Kane:

This will serve as an order of the Attorney General in response to your petition for access to records of Portland Metro Health, Inc. (PMH), dated April 30, 1982. In your petition you request to be informed of:

> ". . . a convenient time during regular office hours . . . to personally inspect PMH financial records, e.g., at PMH headquarters."

We have also received your letter dated May 5, 1982, again requesting to inspect financial records and outlining your objections to the Insurance Commissioner's response.

The Attorney General is charged by statute with acting as an independent body in making a ruling on the issue of public records. Before the Attorney General makes such a determination, however, he must be fully apprised of what records are being sought. ORS 192.470 sets forth the form of petition which should be filed with the Attorney General when asking to have public records made available for inspection or production. The petition form specifically refers to the name or description of each record. Your petition refers only to "financial records of Portland Metro Health, Inc." Even if we are to determine that such records are public records, there very well may be exemptions which apply. Therefore, we must be fully advised of the particular financial records of Portland Metro Health which you seek. It is my understanding that Portland Metro Health has a

large number of records ranging from Proofs of Claims (which you indicate by an earlier letter you are not interested in seeing), a number of source documents which have not yet been compiled into a single record or document, and possibly various other records and reports. Perhaps all records of PMH would be "financial records" as you use the term. I have talked to Kathi Dahlin, and, although she put the question to you specifically, she is not clear, either, which particular records you would be seeking. Therefore, before ruling upon your petition, I would ask that you specifically name or describe which records you wish to inspect. In the same vein, are you asking for records generated subsequent to the receivership or records that were prepared prior to the receivership?

You should also be aware that if it is necessary to segregate public from non-public records or to perform any kind of search to retrieve records or to copy records, you may be charged for the cost of these services. See ORS 192.440.

Very truly yours,

STANTON F. LONG
Deputy Attorney General

SFL:KGD:mb
cc: Josephine Driscoll
Richard McGavock