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November 10, 2025

VIA E-MAIL ONLY: bestin02@gmail.com

Bestin Roy
3315 SE Ankeny St
Portland, OR 97214

Re: Petition for Public Records Disclosure Order
Oregon State Lottery
DOJ File No.: 177001-GA0150-25

Dear Mr. Roy:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.431. Your petition asks the Attorney General to order the Oregon State Lottery (Lottery) to disclose various records. For the reasons discussed below, we respectfully deny your petition.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). The law is a disclosure law, and exemptions from disclosure must be express. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.411(1). The agency carries the burden to sustain its actions. ORS 192.411(1).

According to your petition, you requested Lottery disclose approximately 15 categories of records related to scratch-it games and second chance games. Lottery denied your request in part by asserting that all of the records you seek within several categories are exempt from disclosure under ORS 192.345(23), incorporating ORS 461.180(6). We understand that you are petitioning for a disclosure order related only to the denial based on this exemption. You also contend that, in denying your request in part, Lottery failed to separate and disclose any nonexempt material in accordance with ORS 192.338.

We contacted Jessica Nelson, Lottery Records Management Consultant, in response to your petition. She informed us that Lottery no longer asserts that all of the records you seek are necessarily exempt under ORS 192.345(23). Lottery has therefore agreed to process your

request, subject to your payment of any processing fees and the withholding of records or redaction of any information Lottery concludes is exempt from disclosure. *See* ORS 192.324(5) (agencies may establish fees reasonably calculated to reimburse them for their actual cost of making public records available); and ORS 192.338 (duty to separate exempt and nonexempt material). If you disagree with Lottery's processing fees or redactions, you may again petition this office for review. Because Lottery has agreed to process your request, we respectfully dismiss your petition as moot.

We therefore respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Interim Deputy Attorney General

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c via e-mail only: Jessica Nelson (Oregon State Lottery)