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February 10, 2026

VIA E-MAIL ONLY: larrykirsch@earthlink.net

Larry Kirsch
1930 NW Irving St.
Portland, OR 97209

Re: Petition for Public Records Disclosure Order
Oregon Health Authority
DOJ File No.: 443029-GA0032-26

Dear Mr. Kirsch:

This letter is the Attorney General's response to your petition for the disclosure of records under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Oregon Health Authority (OHA) to disclose certain 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). 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. *Id.*

Your petition stems from a request related to OHA's review of a material change transaction in connection with the Health Care Market Oversight program. Entities seeking approval of a transaction must submit information to OHA, but they are permitted to designate the submitted exhibits as confidential. Your request seeks records accepting, discussing, or rejecting any claims for trade secret protection made by the parties to a specific transaction.[1]

[1] Your request sought all memoranda, letters, emails, notes, forms, or other writings or communications that accept, question, or reject in whole or in part, the applicant's request for trade secret protection in conjunction with exhibits 3, 9.1, 12, 14, 18, 20.1, 20.2, 25.1. 25.2, 25.3, 29, 30.4, 30.5, 30.6, 33, 36.1, 36.2, 36.3, and 78 submitted in connection with OHA/HCMO Transaction 043 Providence-Compassus.

In response to your request, OHA produced a spreadsheet containing redactions for legal analysis provided to OHA by an Assistant Attorney General with the Oregon Department of Justice. Your petition indicates that you are not seeking that spreadsheet or challenging the redactions made to it. You seek any additional responsive records that may have been withheld by OHA.

We discussed your petition with Karine Gialella, OHA's assigned Attorney General contact counsel. Ms. Gialella explained that OHA does not have any additional responsive records. She indicated that the exhibits were submitted in confidence to OHA under ORS 415.501(13). Because these exhibits were exempt from release regardless of any trade secret analysis,[2] OHA did not require the entities to provide argument related to their trade secret assertions. As a result, there are no further documents responsive to your request.

Because we cannot order OHA to disclose records that do not exist, we must respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DP9/pjn
c via e-mail only: Jeanne Windham, Oregon Health Authority
Karine Gialella, Senior Assistant Attorney General, Department of Justice

[2] Entities seeking approval of a material change transaction must submit information to OHA even if they believe it is confidential. ORS 415.501(13)(a). These entities "may designate portions of a notice and any documents thereafter submitted as * * * as confidential." OAR 409-070-0070(1). OHA must then maintain the confidentiality of the submitted information. ORS 415.501(13)(c).