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February 13, 2026

VIA E-MAIL ONLY: gdobrichkov@gmail.com

Gabriel Dobrichkov
2337 Gleanns Way
Lebanon, OR 97335

Re: Petition for Public Records Disclosure Order
Oregon Department of Administrative Services
DOJ File No.: 107130-GA0036-26

Dear Mr. Dobrichkov:

This letter is the Attorney General's response to your February 6, 2026, petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Department of Administrative Services (DAS) to disclose records relating to a tort claim notice filed by you against the Oregon State Hospital (OSH). For the reasons that follow, 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).

Your petition stems from a request to DAS for copies of any records and communications related to your tort claim. DAS denied your request based on ORS 192.345(1) (the litigation exemption). Your petition argues that DAS must provide you with "factual information" that can be separated from "litigation strategy or attorney mental impressions."

We reviewed your records request and related correspondence with DAS. We also reviewed the records DAS produced to you and the records withheld as exempt pursuant to ORS 192.345(1). The records withheld by DAS were generated in response to your tort claim. They contain information related to DAS's investigation and processing of your claim including communication between DAS and OSH.

The Public Records Law conditionally exempts from disclosure records that pertain to litigation to which an agency is a party or pertain to litigation that the agency shows is "reasonably likely to occur." ORS 192.345(1). One indication that litigation is reasonably likely to occur is that a person has filed a notice of tort claim against an agency. *Attorney General's Public Records and Meetings Manual* (2024) (the "*Manual*") at 42 – 43. We have previously determined that records and reports prepared by an agency in response to such a notice would fall within the exemption. *Id*. (citations omitted). And we have found that DAS's correspondence with the affected state agency is similarly protected. *See* Public Records Order, Jul 21, 2017, Thunderbird.[1] Because the records withheld by DAS were prepared in response to your tort claim notice, we conclude that they pertain to litigation and are exempt from disclosure "unless the public interest requires disclosure in the particular instance." ORS 192.345(1); *Manual* at 42 – 43.

We have previously concluded that in evaluating whether the public interest requires the disclosure of records covered by this exemption, "an interest in private litigation does not justify disclosure." *Id*. at 43 (citations omitted). We have also consistently found that the ordinary tools of discovery generally negate any need to use the Public Records Law to gain access to records for purposes of private litigation. *Id*. Relatedly, we have stated that the purpose of the exemption is "is to place governmental bodies, as parties or potential parties to litigation, on an even footing with private parties." *Id*. at 42. Requiring public bodies to disclose their work product to litigation adversaries in advance of likely litigation would severely undercut that purpose, and the primary beneficiary would be a private litigant rather than the general public. Your records request concerns a tort claim filed by you related to your termination. Under the circumstances, we cannot conclude that the public interest in disclosure outweighs the interest in preserving the confidentiality of the records at this time.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Todd Brown, Senior Risk Consultant, Department of Administrative Services

[1] Your petition argues that DAS was required to segregate and produce factual work product, as distinguished from legal analysis. We find no support for this contention in case law, our prior orders, or the text of the statute, which protects records "pertaining to litigation." 192.345(1).