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April 20, 2026

VIA E-MAIL ONLY: levi@valorinvestigates.com

Levi Bakke
501 C Ave
La Grande, OR 97850

Re: Petition for Public Records Disclosure Order
Oregon Health Authority
DOJ File No.: 443465-GA0069-26

Dear Mr. Bakke:

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, received April 6, 2026, asks the Attorney General to order the Oregon Health Authority (OHA) to produce certain records concerning its oversight of Coordinated Care Organizations (CCOs). For the reasons that follow, we respectfully grant your petition in part and deny your petition in part.

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. *Id*.

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Your petition stems from a records request to OHA for records related to Eastern Oregon Coordinated Care Organization (EECCO). After receiving clarification from you, OHA withheld a subset of the requested records as exempt from disclosure pursuant to ORS 415.056 and OAR 410-141-5080. Your petition challenges OHA's decision to withhold four categories of records:

1. EOCCO's Form B registration statement and all attachments, as required by OAR 410-141-5295, disclosing capital structure, ownership, management, identity and relationship of every member of the holding company system, and all agreements in force between the CCO and its affiliates;

2. EOCCO's Corporate Governance Annual Disclosure (CGAD) reports filed from 2020 through 2025, as required by OAR 410-141-5045, describing governance framework, board structure, bylaws, member qualifications, independence standards, nomination and election processes, and compensation structures;

3. Any filings EOCCO has made under OAR 410-141-5305 disclosing holding company transactions and relationships;

4. Any correspondence between OHA and EOCCO regarding amendments to the Operating Agreement, changes in ownership percentages, or modifications to voting rights or profit distribution provisions.

A. Categories 1 and 3 (Form B Registration Statement and Attachments).

In connection with your petition, we contacted OHA through its assigned Attorney General contact counsel. OHA indicated that it withheld records responsive to categories 1 and 3 pursuant to ORS 415.056(2), which makes confidential any "report filed with the authority according to requirements established by rule for disclosure of material acquisition and disposition of assets." OHA explained that the rules require CCOs that are members of a holding company to submit a completed Form B Registration Statement (Form B) to OHA each year.[1] As part of Form B, a CCO must disclose information about material purchases, sales or exchanges of assets with affiliates.[2] OHA therefore contends that Form B is exempted from disclosure by ORS 415.056(2).

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[1] OAR 410-141-5290.
[2] OAR 410-141-5295.

OHA's Form B rules require disclosure of certain transactions "between the CCO and the CCO's affiliates" including "purchases, sales, or exchanges of assets."[3] This disclosure obligation applies only to transactions that are "material."[4] Because Form B is "a report filed with [OHA] according to requirements established by rule for disclosure of material acquisitions and dispositions of assets," the plain language of ORS 415.056(2) renders the entire report confidential, subject to one exception applicable in this instance.

Information in Form B is not confidential if it is "also contained in a final" report of examination conducted under ORS 415.111. ORS 415.056(6). OHA has completed a final examination report for EOCCO as of December 31, 2022 (the Examination Report). OHA notes that this final report has been published on OHA's website.[5]

We find that both Category 1 (Form 95) and Category 3 (filings under OAR 410-141-5305)[6] contain information made confidential by ORS 415.056(2) and are therefore exempt from disclosure under the Public Records Law. *See* ORS 192.555(9)(a) (exempting records or information made confidential under Oregon law). Although certain information in Form 95 must be disclosed under ORS 415.056(6), OHA has already made that information publicly available on its website, thereby satisfying its obligations under the Public Records Law. ORS 192.324(2) (a public body may complete its response by explaining where the requested records are publicly available). For these reasons, we respectfully deny your petition as it relates to Category 1 and Category 3.

B. Category 4 (certain correspondence between OHA and EOCCO)

Category 4 sought "any correspondence between OHA and EOCCO regarding amendments to the Operating Agreement, changes in ownership percentages, or modifications to voting rights or profit distribution provisions." OHA initially stated that it withheld records responsive to this category because "any correspondence OHA has had or may have had regarding the matters identified by Mr. Bakke would have been disclosed in EOCCO's Form B, which is exempt from disclosure under ORS 415.056." After receiving your petition, however, OHA reconsidered its position and conducted a search for responsive correspondence. OHA located certain emails, which it has now produced to you, and it is not withholding any responsive correspondence as exempt. For this reason, we respectfully dismiss as moot your petition with related to Category 4.

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[3] OAR 410-141-5295.
[4] *See* OAR 410-141-5305(1) ("Information that is not material * * * need not be disclosed" on the Form B registration statement); OAR 410-141-5305(2) (sales and purchases "involving one-half of one percent or less of a CCO's admitted assets * * * shall not be deemed material for purposes of registration under" Form B.)
[5] OHA's CCO Examination Reports are publicly available here: Coordinated Care Organization (CCO) Examination Reports
[6] Form B includes any filings EOCCO made under OAR 410-141-5305.

C. Category 2 (Corporate Governance Annual Disclosure Reports)

Category 2 sought EOCCO's Corporate Governance Annual Disclosure (CGAD) reports filed from 2020 through 2025. After receiving your petition, OHA withdrew its cited exemption and produced the CGAD reports. OHA continues to withhold, however, most exhibits to the CGAD reports. OHA indicates that EOCCO has asserted that those exhibits are trade secrets, and OHA has now cited the exemption provided by ORS 192.345(2). That provision conditionally exempts from disclosure:

> [A]ny formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

Id. We have also observed that the Public Records Law definition of a trade secret is not exclusive, and so trade secrets may also include information encompassed by the Uniform Trade Secrets Act (UTSA), ORS 646.461 to 646.475. *See Attorney General's Public Records and Meeting Manual (Manual)*at 44 (2024). The UTSA defines trade secrets, at ORS 646.461(4), as:

> (4) *** information, including a drawing, cost data, customer list, formula, pattern, compilation, program, device, method, technique or process that:
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> (a) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and
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> (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

We examined the exhibits withheld by OHA as trade secrets. These exhibits include operating and administrative services agreements, internal policies, charters, and other organizational documents. EOCCO asserts that each of these records is known only to limited groups of individuals who are bound by strict confidentiality obligations. EOCCO further contends that disclosure of these records "would give competitors a roadmap to replicate the company's unique operational advantages, internal strategies, and financial relationships—information that would cause substantial competitive harm."[7] EOCCO argues that its need for confidentiality outweighs any public interest in examining the internal structures of a non-public entity.

[7] This argument was made specifically in support of trade secrets protection for EOCCO's operating agreement. EOCCO provided a privilege log containing specific arguments concerning the commercial value derived from maintaining the confidentiality of each of the records it withheld.

We have explained that "because the UTSA evinces a legislative policy in favor of protecting legitimate trade secrets, the balancing test will be less likely to favor disclosure * * *." *Manual* at 46. Based on the record before us, we find that OHA has met its burden to withhold these records under the trade secrets exemption, with one exception. OHA withheld the EOCCO Community Advisory Council Charter (CAC Charter) as a trade secret. CCOs are required to have a community advisory council (CAC) "to ensure that the health care needs of the consumers and the community are being addressed." ORS 414.575(1). The CAC must include community representatives and "consumer representatives must constitute a majority of the membership." ORS 414.575(1)(a). A CAC must also "post a report of its meeting and discussions" to the CCO's website[8] and must make certain meetings open to the public. ORS 414.575.

The CAC Charter withheld by OHA governs the conduct of this quasi-public body, including the community representatives that serve as council members. Even assuming the Charter constitutes a trade secret, we find a strong public interest in its disclosure. The Legislature created CACs to provide oversight of the CCOs. *See* ORS 414.575(2) (discussing oversight duties of the CACs). Public access to the CAC's governing document—its charter—will help ensure transparency and allow the public to monitor the effectiveness of this quasi-public body.

For these reasons, we find that the exhibits to the GCAD, with the exception of the CAC Charter, are exempt as trade secrets. We therefore respectfully deny your petition as it concerns those exhibits. With respect to the CAC Charter, we grant the petition, and order OHA to produce the CAC Charter to Mr. Bakke.[9] If OHA elects not to comply with this order, it has seven days to announce its intention to seek judicial review. *See* ORS 192.407(3) and 192.411(2).

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Jeanne Windham (OHA)

[8] ORS 414.575(4)
[9] The specific document we reviewed and that we are ordering to be disclosed is the "Eastern Oregon Coordinated Care Organization Community Advisory Council (EOCCO CAC) Charter."