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May 7, 2026

VIA E-MAIL ONLY: json_white@msn.com

Jason Kirk
json_white@msn.com

Re: Petition for Public Records Disclosure Order
Oregon Health Authority
DOJ File No.: 443721-GA0091-26

Dear Mr. Kirk:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition challenges the Oregon Health Authority's (OHA) response to a request you submitted on April 1, 2026, seeking information about a report of a child fatality.[1] OHA notified you that it believed you were improperly seeking information, not records, which resulted in further clarification by you. You then submitted an additional request on April 9, 2026, again requesting confirmation of certain information.[2] OHA responded that it could not confirm the existence of the requested information and that any potentially responsive information would be confidential pursuant to statute.

We reviewed the correspondence between you and OHA pertaining to your request. We agree with OHA that your request, as initially phrased, appears to be seeking information rather than public records. However, you then clarified your request. As clarified, we believe your request seeks a child death review form submitted by the Baker County team for the death of Gabriel Kirk. OHA informed us that it conducted a search and did not locate any records responsive to this request. OHA confirmed that it is not withholding any records as exempt.

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[1] I am requesting confirmation that a child death review form was submitted by the Baker County team for the death of Gabriel Kirk (DOB 3/5/2014; DOD 7/4/2024). I am Gabriel's father and have faced ongoing obstacles for several years in trying to obtain this information. At this point, I simply need confirmation of whether the required protocols were followed.

[2] I am requesting a discrete item of information maintained by the Oregon Health Authority in its administration of the National Child Death Reporting System: Whether Baker County submitted a child death review form related to Gabriel Kirk (DOB: 3/5/2014; DOD: 7/4/2024); and if so, the date the form was received by OHA.
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Under the circumstances, we have no reason to second-guess OHA's representation that the records you seek do not exist. And because we cannot order OHA to disclose records that do not exist, we must respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP/pjn
c via email only: Jeanne Windham (OHA)