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November 5, 2026

VIA E-MAIL ONLY: antoniop23@gmail.com

Antonio Pirog
Antoniop23@gmail.com

Re: Petition for Public Records Disclosure Order
Oregon Board of Pharmacy
DOJ File No.: 137048-GA0001-26

Dear Mr. Pirog

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 asks the Attorney General to order the Oregon Board of Pharmacy (the Board) to disclose an investigation into you. For the reasons that follow, we respectfully deny the 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. If a responsive record contains both exempt and nonexempt material, the agency shall separate and disclose the nonexempt material. ORS 192.338. 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 192.401 and 192.411(1).

Your petition stems from a request to the Board for its investigative file on a closed case in which you were the respondent. The Board denied your request by citing the confidentiality provisions of ORS 676.175. Your petition does not dispute that the records are covered by that confidentiality provision, but you contend that ORS 676.175(3) "creates an explicit statutory right of disclosure for the investigated licensee or applicant once the board issues a notice of intent to impose a disciplinary sanction."

Although licensees can obtain investigative materials to prepare for a contested hearing, there is no provision permitting disclosure after the case is closed. The Oregon Court of Appeals has concluded that the disclosure requirement found in ORS 676.175(3) applies "to a person who is involved in an ongoing disciplinary proceeding at the time of the records request." 322 Or App 491, 495 (2022). "The disclosure is * * * a limited exception * * * that exists to allow current applicants or licensees to prepare for disciplinary proceedings that affect them." *Id.* at 496. For this reason, we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn