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June 19, 1989

Heinz Ju Sauerbrey
P.O. Box 230393
Tigard, Oregon 97223

Re: Petition for Public Records Disclosure Order; Department of Insurance and Finance Records

Dear Mr. Sauerbrey:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. The petition, which we received on June 12, 1989, asks the Attorney General to direct the Director of the Department of Insurance and Finance to disclose and produce copies of materials identified in an attached letter dated May 15, 1989, to Mr. Theodore R. Kulongoski. The first request asks Mr. Kulongoski to provide a certified copy of the director's oath of office and to supply the date of the oath. The second, third, fourth and fifth requests ask Mr. Kulongoski to identify and provide materials he relied upon as the "source of law" for authority that he did not violate his oath or law in taking certain action. For the reasons that follow, we deny the petition.

Mr. Kulongoski's oath of office is a nonexempt public record. The Department of Insurance and Finance, however, possesses no copy of that document and, therefore, has no duty to obtain and disclose it. Nonetheless, we understand that, as a courtesy, department staff will obtain a copy of that document from the State Archives within the next several days and provide it to you.

The second through fifth requests seek to delve into Mr. Kulongoski's personal thought processes leading to certain agency actions. Mr. Kulongoski, however, did not hold his current

position during the time periods in question and, therefore, took no action in the process resulting in Proposed and Final Order No. 7414-A dated October 11, 1982, or the ruling of Referee Daughtry on September 15, 1985. Because Mr. Kulongoski was not involved in those matters, he cannot satisfy your requests.

In sum, we deny your petition.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:DKC:ros/7030G

cc: Theodore R. Kulongoski,Director
Department of Insurance and Finance
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Salem, OR 97310

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