DEPARTMENT OF JUSTICE
CIVIL ENFORCEMENT DIVISION
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April 13, 1992

Stephen A. Forrester
Editor, Daily Astorian
P.O. Box 210
Astoria, Oregon 97103

Re: Petition for Public Records Disclosure Order
Litigation File/Clatsop County Commissioner Don Haskell

Dear Mr. Forrester:

This letter is response to your April 7 letter requesting the Attorney General to send copies of all information concerning "the investigation by your office and your investigator Lowell S. Ward, into Clatsop County Commissioner Don Haskell,...involving [sic] possible ties between Haskell and Woodrow and Edita Smith." For the reasons stated below, your request is denied.

According to our files, no such investigation exists. We currently do have a case pending in Clatsop County Circuit Court in which Mr. Ward is assigned to assist the litigation trial team. That case is entitled State of Oregon v. Clatsop County Housing Authority, case number 92-2044. Intensive deposition and discovery have been underway for the past two weeks, and a preliminary injunction hearing will be conducted in front of the Honorable Hollie Pihl, Circuit Court Judge, on April 16 and 17 in Clatsop County Circuit Court.

All the records currently in the possession of the Department of Justice regarding this case relate to litigation and have been assembled for that purpose. Since the litigation is ongoing, these records fall within an exemption to disclosure under the Public Records Law for litigation records. ORS 192.501(1). That statute applies "unless the public interest requires disclosure in the particular instance." Id. You have not suggested any basis upon which the public interest in disclosure in this case would outweigh the interest in protecting these litigation records.

The public records law confers a right to inspect any public records of public bodies in Oregon, subject to certain exemptions and limitations. See ORS 192.420. Because the records you wish to inspect fall within an exemption as cited herein ORS 192.501(1), your request for disclosure is denied.

This denial is from the Department of Justice. If you disagree with this denial decision, you may still petition the Attorney General to review the decision. ORS 192.450(1).

Sincerely,

David A. Aamodt
Division Administrator

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