DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION
Justice Building
Salem, Oregon 97310
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ATTORNEY GENERAL
SALEM, OREGON

November 3, 1992

Nickolas Facaros
Gildea & Facaros
342 E. 12th Avenue
Eugene, OR 97401-3274

Re: Public Records Request dated October 27, 1992
DOJ File No. 731-001-0093

Dear Mr. Facaros:

This letter is in response to your letter dated October 27, 1992, received October 28, requesting a copy of certain records pursuant to ORS 192.420. Your request seeks disclosure of certain billing and work records relating to State of Oregon v. C.D. Spencer, Jr., et al, Case No. 900250, Linn County Circuit Court. Because this case remains in litigation, I conclude that these records, except for the billing rates attached, are exempt from disclosure under ORS 192.501(1). Therefore, copies of the requested records will not be supplied.

In addition, these records may be confidential as attorney-client privilege and attorney work product, ORS 40.225/OEC 503, and exempt from disclosure under ORS 192.502(8). As the assigned contact attorney for the Oregon Department of Transportation, I claim this privilege on behalf of the client.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. I find that the above exemptions and limitations apply, and decline your request for copies of the records.

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

Sincerely,

/s/ [illegible]

Dale K. Hormann
Assistant Attorney General
Finance and Government Section

DKH:dkh/bjs/JGG04D70
Enclosure
c: William Anhorn, State Highway Engineer
Steve Green, ODOT Right of Way Manager

bc: John McCulloch, Trial Division Administrator
Amy Veranth, Opinions Coordinator
Collier McCoid, Administration