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DEPARTMENT OF JUSTICE
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May 19, 1997

J. David Fine
Attorney at Law
50 Third Street
P.O. Box 66
Ashland, Or 97520

Re: ***Petition for Public Records Disclosure Order: Office of Alcohol and Drug Abuse Programs***

Dear Mr. Fine:

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. Your petition,[1] which we received on May 5, 1997,[2] asks the Attorney General to direct the Office of Alcohol and Drug Abuse Programs (OADAP) to produce (a) documents "sufficient to show a chronology of site visits" and reports prepared by Judi Christensen since January 1995, (b) documents related to "instances in which Judi Christensen brought dogs and/or babies with her to service providers," and (c) "all disciplinary or other records in any way concerning partial or unprofessional conduct of Judi Christensen." For the reasons stated below, we respectfully deny your petition.

Antonia Phipps, Manager of Community and Prevention Services for OADAP, informs us that on May 8, 1997, OADAP sent to you the "dog/baby" records and the nonexempt disciplinary records and that on May 16, 1997, the agency sent to you the chronology. With regard to the request for disciplinary records, OADAP's disclosure to you

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[1] The petition was filed on behalf of your client, Brook Counseling Service, Inc.

[2] We appreciate your extending until May 19, 1997, the time within which the law would have otherwise obligated us to respond.

of only the nonexempt records could be construed as a partial denial of your request. On May 13, 1997, Assistant Attorney General Linda Grimms spoke with you for the purpose of determining whether your May 5 petition should be treated as incorporating a request for review of the May 8 partial denial of the disciplinary records. You stated to Ms. Grimms that such review was not requested at this time and that you and your client had not yet decided whether to seek review of OADAP's partial denial of disciplinary records.

Because OADAP has made the nonexempt records available to you and you have not asked this office to review OADAP's partial denial, we respectfully deny your petition to require the agency to produce records.

Sincerely,

David Schuman
Deputy Attorney General

LDG:AV/JGG0FED7
c: Antonia Phipps