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April 5, 1995

VIA FACSIMILE TO (503) 235-4446

Carolyn Myers Lindberg
KXL NEWSRADIO 750
P.O. Box 14957
Portland, Oregon 97214

Re: ***Petition for Public Records Disclosure Order: Children's Services Division Records***

Dear Ms. Lindberg:

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, which we received on April 3, 1995, asks the Attorney General to direct the Children's Services Division (CSD) to produce "the disciplinary report prepared by State Children's Services Director Kay Toran on Friday, March 31, 1995, in the case involving the family of Gordon and Diane Whitehead." For the reasons that follow, we respectfully deny your petition.

CSD does not have any records or documents prepared by Kay Toran as described in your petition. However, we understand that you seek records of specific disciplinary action against CSD employees related to the Whitehead case.

ORS 192.501(13) conditionally exempts records of a "personnel discipline action, or materials or documents supporting the action[.]" This exemption covers completed disciplinary actions in which a sanction was imposed. *See City of Portland v. Rice*, 308 Or 118, 775 P2d 1371 (1989). The records you request fall directly within the scope of ORS 192.501(13) because they are records of completed personnel discipline actions in which a sanction was imposed.

The exemption in ORS 192.501(13) is conditional in that it exempts records "unless the public interest requires disclosure in the particular instance." You have not identified, and we are not aware of, any public interest in the records sought that would affect our analysis or conclusion in this order.

We conclude that the personnel disciplinary records you seek are exempt from disclosure under the Public Records Law. ORS 192.501(13). Accordingly, we respectfully deny your petition.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:jpl/JAA017A6.W51