



ROD UNDERHILL, District Attorney for Multnomah County

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June 1, 2017

Bethany Barnes
The Oregonian
1500 S.W. First Avenue, Suite 400
Portland, Oregon 97201

Molly Bloom
The Atlanta Journal-Constitution
molly.bloom@ajc.com (via email only)

Stephanie Harper
Portland Public Schools
General Counsel's Office
501 N. Dixon Street
Portland, Oregon 97227

Re: Petitions of Bethany Barnes, for The Oregonian, and Molly Bloom, for the Atlanta Journal-Constitution, seeking records from Portland Public Schools

Dear Ms. Barnes, Ms. Bloom and Ms. Harper:

Ms. Barnes filed a public records petition with this office on May 22, 2017 appealing Portland Public Schools' (PPS) denial of her request for "any report reflecting the results of the vetting process for Donyall Dickey." On May 25, 2017, Ms. Bloom filed a similar petition appealing PPS' denial of her request for "the report the Portland Public Schools board received on or about May 1 related to former superintendent candidate Donyall Dickey...described as 'the culmination of the vetting process' for Dickey." All parties are familiar with the circumstances leading to these two public records requests, and I will not restate them here.

The district attorney is ordinarily empowered to resolve public records disputes. ORS 192.410 et seq. However, where an elected official claims the right to withhold disclosure of public records, jurisdiction to hear any challenge to that decision lies exclusively with the circuit court. ORS 192.480. See also, *In re Petition of Bethany Barnes for the Oregonian requesting the names of finalists for the position of Portland Public Schools superintendent*, MCDA PRO 17-14 (2017). PPS has confirmed with this office that the claim of exemption in this case is asserted personally by School Board Chair Tom Koehler, an elected official. I have not reviewed the withheld records as this office is without jurisdiction to consider these petitions.

Accordingly, your petitions are dismissed for lack of jurisdiction.

Very truly yours,

ROD UNDERHILL
District Attorney