



MIKE SCHMIDT, District Attorney for Multnomah County

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March 16, 2021

Jeff Merrick
7891 S.E. 15th Avenue
Portland, Oregon 97202

Re: Petition of Jeff Merrick seeking a contract regarding former Riverdale School District Principal Robinson's resignation

Dear Mr. Merrick:

This letter is in response to a public records petition you filed with this office seeking an order requiring Riverdale School District (Riverdale) to provide you with a copy of a document it has already disclosed to you. For the reasons discussed below, we dismiss the petition as moot.

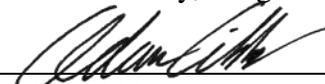
In *Petition of Merrick*, MCDA PRO 21-01 (2021), this office denied a petition from you seeking the same document at issue here on the grounds that it was in Principal Robinson's personnel file. Following this decision, you made a new request for documents relating to Principal Robinson that were not located within her personnel file. Riverdale produced a number of items in response, including a copy of the resignation agreement that had been the subject of our decision in 21-01. I understand that you currently represent individuals who are suing Riverdale and have attached the agreement that Riverdale produced to you as an exhibit to an amended complaint in that action.

Riverdale has now asserted that the resignation agreement was erroneously produced, that you should have realized that, and has impugned your professional ethics in filing it in publicly available court records. You filed this petition seeking a ruling on the merits of Riverdale's effort to claw back the record it produced.

While I understand your underlying concerns, what is being requested is, in effect, a declaratory judgment that the produced document is properly a public record that may be redisclosed at will. A court may well have that authority; I do not. Because the disputed record has already been produced, the petition does not seek any relief that I have the authority to grant and is, accordingly, dismissed as moot.

Regards,

MIKE SCHMIDT
District Attorney
Multnomah County, Oregon

By: 
Adam Gibbs
Senior Deputy District Attorney

Cc: Brett Mersereau, counsel for Riverdale