



MIKE SCHMIDT, District Attorney for Multnomah County

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November 4, 2021

Leon Fabrycki (via email only)

Richard Cohn-Lee
The Hungerford Law Firm LLP
653 S Center St
P.O. Box 3010
Oregon City, Oregon 97045

Re: Petition of Leon Fabrycki seeking records from the Riverdale School District

Dear Mr. Fabrycki and Mr. Cohn-Lee:

Mr. Fabrycki has petitioned this office seeking an order compelling Riverdale School District (the District) to provide him with records that were withheld from a production to him. Petitioner had made a public records request for certain financial records, emails, and similar communications surrounding the departure of former District superintendent Joanna Tobin. A detailed recitation of what transpired in response to this request is not necessary to resolve the issue before me. Ultimately the District produced certain records to petitioner but indicated that others were withheld on advice of counsel.

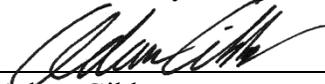
I have discussed the matter with counsel for the District, and it appears that only one responsive record was withheld from this production: a “resignation agreement” for Ms. Tobin. The District has not cited any provision of the public records law that would serve to exempt this agreement from disclosure. Since it is the public body’s burden to sustain any withholding of records by reference to a specific exemption in ORS Chapter 192, and the District cannot do that here, I must grant the petition.

ORDER

Accordingly, the petition is granted. The District shall promptly provide petitioner a copy of the previously withheld “resignation agreement.”

Regards,

MIKE SCHMIDT
District Attorney
Multnomah County, Oregon

By: 
Adam Gibbs
Sr. Deputy District Attorney

Notice to Public Agency

Pursuant to ORS 192.411(2), 192.415, and 192.431(3) your agency may become liable to pay petitioner's attorney's fees in any court action arising from this public records petition (regardless whether petitioner prevails on the merits of disclosure in court) if you do not comply with this order and also fail to issue within seven days formal notice of your intent to initiate court action to contest this order, or fail to file such court action within seven additional days thereafter.

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