



MIKE SCHMIDT, District Attorney for Multnomah County

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April 4, 2023

VIA EMAIL ONLY

Alan Kessler
ak@alankessler.law

Re: Petition of Alan Kessler seeking records from the City of Portland

Dear Mr. Kessler:

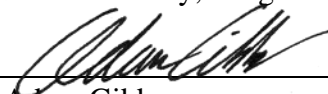
You submitted a public records petition on April 3, 2023 in which you challenged the City of Portland's response to your public records request for: "all text messages sent to or received by Dan Ryan on August 25, 2021." The City provided you with responsive records on March 29, 2023, but redacted certain portions of them citing ORS 192.355(3).

I have not reviewed the underlying records nor called for a response from the City of Portland because the district attorney lacks jurisdiction to consider this petition. Dan Ryan is an elected city commissioner and the district attorney does not have authority to adjudicate disputes relating to records in the custody of an elected official. ORS 192.427 On indistinguishable facts we have previously concluded that text messages sent to and from an elected official fall in this category. *Petition of Wright*, MCDA PRO 16-29 (2016) (ORS 192.427 "prohibits us from considering a public records petition relating to text messages of school board members;") *Petition of Kessler*, MCDA PRO 20-23 (2020) (same result for mayor's text messages).

Accordingly, your petition is dismissed for lack of jurisdiction.

Regards,

MIKE SCHMIDT
District Attorney
Multnomah County, Oregon

By: 
Adam Gibbs
Sr. Deputy District Attorney

Cc: Jenifer Johnston, City of Portland

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