



## Nathan Vasquez, Multnomah County District Attorney

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December 15, 2025

*via email only*

Dimiti McPherson  
[dimatimcpherson@gmail.com](mailto:dimatimcpherson@gmail.com)

Jollee Faber Patterson  
Miller Nash LLP  
[Jollee.Patterson@millernash.com](mailto:Jollee.Patterson@millernash.com)

Re: Petition of Dimiti McPherson seeking School Board audit surveys

Dear Ms. McPherson and Ms. Patterson,

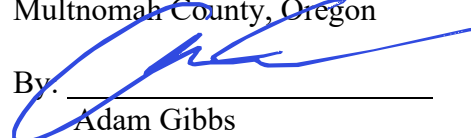
Ms. McPherson submitted a public records request to Riverdale School District for, “copies of the Governing Body Questionnaire submitted to the RSD auditor, Pauly Rogers by the school district or school board members” for the last five calendar years. Riverdale responded that it did not have any records because any surveys completed by its board members were in the custody of its contracted auditor and not accessible by the school district. Ms. McPherson petitioned this office for review of this denial as permitted by ORS 192.422 on December 8, 2025.

However, I do not reach the merits of the claim. ORS 192.427 prevents the district attorney from considering a public records petition involving records “in the custody of an elected official.” Either the responsive records are not legally in Riverdale’s custody, in which case the public records law does not apply to them and I have no authority to act, or they are the records of the individual elected school board members, in which case I am prohibited from considering the petition. See, *Petition of Jason Wright*, MCDA PRO 16-29 (2016) (“Emails generated by or sent to an elected official, as they are retained by his or her agency, remain in the official’s custody for purposes of ORS 192.427.”)

Accordingly, the petition is denied for lack of jurisdiction.

Regards,

NATHAN VASQUEZ  
District Attorney  
Multnomah County, Oregon

By:   
Adam Gibbs  
General Counsel