



Nathan Vasquez, Multnomah County District Attorney

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October 13, 2026

via email only

Alexander Krach
ackrach@gmail.com

Re: Petition of Alexander Krach seeking unredacted communications from Portland Public Schools

Dear Mr. Krach:

On September 4, 2026, you submitted a public records request to Portland Public Schools (PPS) for records relating to Superintendent Kimberlee Armstrong's disclosure of a potential conflict of interest arising from her daughter's employment with Procedeo, a PPS contractor. The request specifically sought written communications between the Board of Education and Dr. Armstrong, and communications among the Board, Dr. Armstrong, and PPS's legal counsel. PPS produced responsive records but redacted portions of them, citing the attorney-client privilege.

You petitioned this office on October 8, 2026, asking that the records be released without redaction. You argue that the privilege does not attach because PPS's counsel represents the district and not Dr. Armstrong personally, and that the public has a strong interest in knowing whether and how the Board addressed the conflict under ORS 244.120. PPS provided the unredacted records for my review pursuant to ORS 192.422(2) and maintains that the privilege applies to the redacted material.

The threshold question is whether this office may consider the petition at all. ORS 192.427 provides:

In any case in which a person is denied the right to inspect or to receive a copy of a public record in the custody of an elected official, or in the custody of any other person but as to which an elected official claims the right to withhold disclosure, no petition to require disclosure may be filed with the Attorney General or district attorney, or if a petition is filed it shall not be considered by the Attorney General or district attorney after a claim of right to withhold disclosure by an elected official. [...]

This office has long held that "[e]mails 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 this statute. *Petition of Wright*, MCDA PRO 16-29 (2016) (construing the statute under its former number, ORS 192.480). This rule applies to PPS' elected board of education. *Petition of Bial*, MCDA PRO 24-33 (2024) (dismissing for lack of jurisdiction the portions of a petition that sought messages among PPS Board members and between Board members and the superintendent). The limitation is jurisdictional and may not be waived. *Id.*

Each redacted communication was either sent by a Board member or sent directly to one. Each is therefore in the custody of an elected official, and ORS 192.427 forecloses my review. Your arguments about whom PPS's counsel represents go to whether the privilege applies. I lack jurisdiction to consider that question in this case. The second half of ORS 192.427 states that in a case involving elected official records "a person denied the right to inspect or to receive a copy of a public record may institute proceedings for injunctive or declaratory relief in the appropriate circuit court."

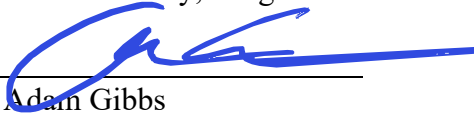
ORS 192.427 preserves an elected official's ability to request this office's non-binding advice as to whether a record should be disclosed. But such advice is rarely given, and then only when expressly requested by the relevant elected official. *Petition of Bial*, MCDA PRO 25-06 (2025) ("The only circumstances in which we have historically ... advised public officials under the public records law are when they have asked for it.")

ORDER

Accordingly, the petition is denied for lack of jurisdiction.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 

Adam Gibbs
General Counsel

Cc: Andrea Schiers, Senior Legal Counsel, Portland Public Schools