

MICHAEL D. SCHRUNK, District Attorney for Multnomah County
600 County Courthouse • Portland, Oregon 97204-1193 • (503) 248-3162

October 2, 1998

Barbara Simon
Multnomah County Sheriff's Office
12240 NE Glisan St
Portland, OR 97220

William Birhanzl
11125 SE 202nd Ave
Boring, OR 97009

Re: Petition of William Birhanzl, September 23, 1998, to disclose certain records of the Multnomah County Sheriff's Office

Dear Ms. Simon and Mr. Birhanzl:

Background

On this public records petition, ORS 192.410 et. seq., petitioner William Birhanzl, requests the District Attorney to order the Multnomah County Sheriff's Office and its employees to make available for inspection the following records:

the concealed hand gun license and application pertinent to Lars Larson.

Barbara Simon, Public Information officer for the Multnomah County Sheriff's office, responded to the petitioner's request in a letter to petitioner dated September 3, 1998. Ms. Simon stated that she had enclosed "the concealed handgun application of Lars Larson which you have requested." In fact, Ms. Simon provided to petitioner the permit issued by the Sheriff's Office on September 1, 1998. Petitioner then filed his petition with the District Attorney's office requesting both the application and the license (or permit).

Jacqueline A. Weber, Assistant County Counsel, responded by letter to the petition on September 20, 1998. Ms. Weber indicated that the permit application of Mr. Lars Larson was sent to petitioner on September 25, 1998. The application had been redacted to eliminate Mr. Larson's home address, telephone number and social security number.

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Discussion

The Sheriff's Office has substantially complied with the public records request. The only issue is the propriety of the action of the custodian of records in redacting certain personal information provided by Mr. Larson in his concealed handgun license application.

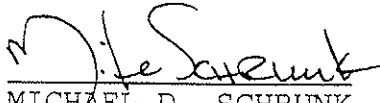
We have reviewed the documentation of the sheriff's office and discussed the sequence of events with County Counsel, Lieutenant Brian Martinek and Barbara Simon. The redaction of the personal information was made at the request of Mr. Larson with the approval of Evelyn LaBerge, manager of the concealed handgun permit unit of the Sheriff's Office.

The redacted portions of the application are exempt from disclosure under both the personal privacy exemption of ORS 192.502(2) and the confidential information exemption of ORS 192.502(4). Petitioner has provided no evidence disclosure is in the public interest.

ORDER

Accordingly, it is ordered that the petition of William Berhanzl, to disclose certain records of the Multnomah County Sheriff's Office is denied.

Very truly yours,



MICHAEL D. SCHRUNK
District Attorney
Multnomah County

JKH:jkh
cc: Jacqueline Weber, Assistant County Counsel
cc: Lars Larson

98-23