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April 29, 2022

VIA EMAIL: yamhilladvocate@gmail.com
james.walker@millernash.com

Dear Mr. Martell and Mr. Walker,

In his public records petition under ORS 192.411 et seq., petitioner Carey Martell appeals the denial of his request for the following document from the City of Newberg:

Investigation report prepared by Anne Denecke regarding sexual harassment claims made against Dan Weinheimer.

Mr. Martell requested multiple documents from the City of Newberg on March 28, 2022. In subsequent emails, Mr. Martell requested the document at issue. I considered the substance of his emails a petition meeting the requirements of ORS 192.422(1) and asked the City of Newberg to respond.

On April 12, 2022, Mr. Walker responded to Mr. Martell's petition on behalf of the City of Newberg. Mr. Walker indicated that the City is working to comply with several of Mr. Martell's requests, but declined to provide the referenced document at issue, citing attorney-client privilege under ORS 192.355(9)(b).

Mr. Walker provided a complete copy of the requested document to me on April 26, 2022. I have reviewed the document at issue and find that it is exempt under the attorney-client privilege under ORS 192.355(9)(b) and ORS 40.225. As such, it is exempt from disclosure under Oregon public records law.

If Mr. Martell disagrees with my decision, he may seek review by the Yamhill County Circuit Court pursuant to ORS 192.411.

Sincerely,



Kathryn Lynch
Chief Deputy District Attorney
Yamhill County District Attorney

Cc: Brad Berry (via email berryb@co.yamhill.or.us)