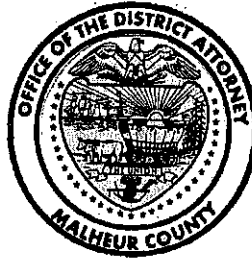


**DAVID M. GOLDTHORPE**  
District Attorney



**BRENDON ALEXANDER**  
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**MALHEUR COUNTY DISTRICT  
ATTORNEY**  
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**January 5, 2023**

Re: Public Records Petitions of Malheur Enterprise, dated December 16, 2022

Mr. Zaitz, Mr. Kitamura and Mr. Smith:

This letter will serve as the District Attorney's opinion on your petition regarding production of public records. Your appeal relates to an alleged denial of access to records regarding Track C.

The MCED did not respond.

It is my opinion that all of the requested records, if they exist, would be public records. As stated in MANY of the prior orders issued between these two parties, I have no ability to assess whether or not any records actually exist and if any such records are being hidden or withheld. If any of the requested records exist beyond what has already been provided, the law requires production. It does not matter if the records are currently in the PHYSICAL CUSTODY of MCED or instead with one of their contractors, the law is the same.

I am also granting a fee waiver in regards to this request, as a result of the unjustified delay in producing the responsive records after repeated assurances that they would be provided.

Please let me know if you have any questions.

Sincerely,

David M. Goldthorpe  
District Attorney