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John Blankfort
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David Doyle
Deschutes County Legal Counsel
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Dear Mr. Blankfort and Mr. Doyle:

Thank you for your prompt and courteous presentation of the issues. This letter constitutes my ruling in the matter of Mr. Blankfort's appeal of Deschutes County's denial of his public records request. Mr. Blankfort requested the address of any property used as a short term rental, and the agent or owner associated with the short term rental(s), for 12 specific property tax accounts.

The gravamen of this appeal is the resolution of this question: Is the public entitled to know where Deschutes County approved short-term rental units are located, and who is associated with these rentals? If the answer is yes, then Mr. Blankfort's public records request should have been granted.

Deschutes County says the answer is "no," and the reason for this is that Oregon law prohibits the County from providing such information to the public. In support of this position the County cites to ORS 192.355(18). This statute prohibits governments from disclosing:

Records, reports or returns submitted by private concerns or enterprises required by law to be submitted to or inspected by a governmental body to allow it to determine the amount of any transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such information is in a form which would permit identification of the individual concern or enterprise. (emphasis added).

The County's reliance on this statute is misplaced. This is because Mr. Blankfort is not requesting any "records, reports, or returns" that were submitted to the County; he is merely requesting the addresses of short-term rentals associated with specific tax accounts (and the name of the people associated with the short-term rentals).

Additionally, the County argues that pursuant to ORS 320.332(4)(a) a local government may only disclose transient lodging tax information as provided in this statute, and that there are no provisions to disclose it otherwise.

The County's reliance on this statute is misplaced. This is because ORS 320.332 is a statute specific to, and limited to, situations in which a local government obtains tax documents from the Department of Revenue and then has to decide whether to share this information with the public. The specific nature of this statute is set forth in the first clause of the statute: "*As used in this section*, 'confidential information' means....." ORS 320.332 (emphasis added).

The County adds to its ORS 320.332 argument by stating: "There are no provisions to disclose [the information sought by Mr. Blankfort] otherwise." I agree that, other than ORS 320.332, there are no provisions of Oregon law that permit local governments to disclose to the public tax information obtained from the Department of Revenue related to transient lodging tax returns - but this is irrelevant to the issue in this appeal. Mr. Blankfort is not requesting records provided to the County by the Department of Revenue, so ORS 320.332 is inapposite.

Mr. Blankfort requested the addresses of short-term rental units that are associated with specific tax accounts. The information he requested is contained in public records, and these records are not exempt from disclosure by Oregon law. Consequently, his appeal is granted and the County is ordered to provide him with the records he requested.

The default length of time to comply per ORS 192.407(3)(a) is seven days, but the statute grants me authority to extend the deadline to a date I conclude is appropriate." In light of the fact the requested records in this case likely require legal review to redact personal information that is excluded from disclosure (dates of birth, social security numbers, etc.), and in light of the fact we are in the midst of the holiday season which results in numerous government employees being on vacation, I extend the deadline to January 5, 2022.

By 5:00 PM on January 5, 2022, Deschutes County must either provide Mr. Blankfort with the documents he requested, or they must seek review of my decision in Deschutes County Circuit Court.

Thank you again for your timely and professional interactions during this process.

Sincerely,

/s/ John Hummel

John Hummel
District Attorney