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| Meeting Date | 4/13/2016 | Time | 1:00-3:00pm | Location or Call In | Frohnmayer Conference rm @ Justice |
| Meeting Name | Public Records Task Force Sub-Committee | | | | |
| Meeting Owner | Michael Kron | | Minutes: Molly Manos | | |
| Attendees | In person: Michael Kron, Emily Anderson, Molly Manos, Jeb Bladine, Robert Taylor, Scott Winkels, By phone: Dave Rosenfeld, Betty Rosenfeld | | | | |

Michael Kron – This is the Attorney General’s Public Records Law Reform Task Force Exemptions sub group meeting. I’m from the office of the Attorney General, Jeb?

Jeb Bladine - News Register from McMinnville, Oregon Newspaper Publishers Association

Scott Winkels - representing the league of Oregon cities.

Betty Reynolds - Public member.

Dave Rosenfeld - Oregon State Public Interest Research Group (OSPIRG)

MK- Not sure how full our agenda is because I’m not sure how long these various tasks will take. Three goals of today’s meeting: streamlining exemptions for categories and sub categories of public bodies’ transactions. Exemptions related to those transactions. The other two are really just cataloging and sub-categorizing the exemptions we preliminary put in personal safety category and the economic affairs category.

There were going to be two sub-group meetings this month. The other one was, just turned out to be impossible to schedule for this month anyway, so I think in the consequence of that we are not even going to be attempting to underway the bigger set of task in which we took exemptions. We went through and each of us independently assessed them, it seemed to me that the task force as a whole wanted to take a look at an example of the streamlining process. Product that would result from that process and we’re discussing what that example looks like today, so I think depending on how we feel and how the larger task force feels our work product that will be something for this group and hopefully for another group to work on next month. So for today the tasks are really just the two that I’ve described. One that I think is going to be more difficult hopefully than the other and I think working through this that’s the idea of combining exemptions.

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Access to the proposed combination of exemptions in the business transactions category that I've put together and put up on our website. All 10 could not be put into one. I found that 5 were really closely enough related that at least on the surface appeared that they could be meaningfully combined and so I've done that. Then the other 5 seemed both very specific and highly temporary and for specific reasons those temporary exemptions existed. So I kind of combined them but only in the form of a list. So that actually to me can also serve as a model, that it would be a model of what the exemptions would look like if we were only to catalog them essentially. So I'm interested in hearing from you guys if you feel like there are ways that we could better combine these.

The one exemption, the first proposed exemption; I mean the substance of the exemption is fairly brief, I'm happy with that aspect of it. There are some exceptions. I don't know if I'm happy with how long it is overall, so that's one thing you guys might have comments about. I noted in the document that I circulated the changes that this would work, substantive changes that this would work from existing exemptions.

So you guys I'm not really asking you to endorse substantive changes. If you want to or don't want to I'm going to kind of leave that up to you. I think our task is, is this the kind of thing we're talking about and could we make it better? With an example of that I'm going to shut up and let other people weigh in.

JB- Seems to me it's a good example of what we're trying to do. We may have to do it 50 times or 100 times to go through 5 and 10 at a time but in the long haul if trying to combine these makes sense then in terms of...

DR- How long did it take to do each of these?

MK- Oh it's hard to say Dave, I have spent a lot of time on work for the task force but some of its been on this and some of its been on putting together the sub-categories and spread sheets that I sent you. I would say I probably spent about, I don't know, maybe 4 hours working on trying to combine these. I would estimate that it took me about 4 hours to do that. I'm not confident that I've done it as well as it could be done. So I think it may take more than that to get this ready for a client product but I'd say that about what it took me to get it here.

DR- Yeah that's useful. I mean even if you got more efficient.

MK- I want to welcome Robert Taylor whose from the Secretary of State's office, get it on record that he's here. *Brings Robert up to speed on current discussion.* I think that providing the information I've provided here in terms of changes to existing laws I think that we probably need to be doing that in respect to these as well. That honestly was a big part of the time and was like ok, first how am I going to combine these and now what is it in effect that I've done. In this case I would say I potentially broadened this exemption by making it generally applicable to public bodies that as a primary function are regularly selling goods and services to the private sector. To private individuals or entities, so where we now have specific exemptions for OHSU, for SAIF;

the State Accident Insurance Fund Corporation, Oregon Corrections Enterprise and then basically electric utilities. This is an exemption that would apply in theory more generally to any public body that is actually selling things as a primary function of, as a primary part of its function I guess. I don't know that there are...

JB- Have you identified any?

MK- I think in theory I could extend it to people who are like other utilities would potentially.

SW- I think it would encompass the municipal electricity supply and water service. That's primarily providing that service to the general. So I think that's the way I read it. I think it covers that it could substantially change the exemption in a way that I object to. I'll have to run it past OMU, the Oregon Municipal Utility they have their own lobbyist that they have to make sure. I think that there are some objections they would have.

MK- There are definitely some substantive changes. I think to the extent we're going to be considering this as a task force I want task force members to understand what sort of substantive changes this entails and I think that gives us a pretty good road map too with respect to who needs to come into the conversation. Whether it's in front of the task force in front of this group or in front of the legislature. I think people are happy with the combination one. I was glad to hear that, I was fairly happy, I was a little bit annoyed that I felt like I had to keep the specificity of the exceptions to it but it seemed to me that I didn't want to expand it any more than what is necessary to make it uniform. That's the explanation for that. If other people think we should consider getting rid of exceptions or BOA's and make the exceptions more uniform I would definitely appreciate that too.

BR- Michael, thank you very much for doing this, it provides a, it's a very useful example for what a combination of exemptions would look like. It also I think provides a rationale to anyone trying to interpret these exemptions. Could you clarify whether this would replace the underlying statutes or is that the epilogue?

MK- The idea for this if we're going to streamline them is that we would indeed be replacing statutes. In this case all of the statutes that we would be replacing happily live in ORS chapter 192 already, which makes that less complicated than going into the, sort of a, we use the term organic statutes at DOJ but I don't think that means necessary much to anybody else but basically the idea is that if you have a statute creating a public body it probably makes sense to some extent to have exemptions that are specific to that public body located in the same statute that creates the public body that it would serve. I don't think that's an issue in this particular example. It will come up in other examples if we're going to continue along this vein and I think that will be a little bit more difficult. I think what I would envision there probably is the amendment in both places to create the exemptions in chapter 192 but then a reference to that exemption from the statute that is specific to the body so people know where to look for it essentially.

BR – Great, very helpful, thank you.

JB- This seems to speak really well to consistency of language. Similar exemptions are given by bodies it's going to be something like something like this going in a bill that's going to be vetted by whoever it affects. One would think and the major change perhaps is that it includes a public interest task whereas it eliminates 4, 5, 02, I don't know do any of those have..?

MK- They don't, no. That's definitely one of the..

JB – Ok so, that's good. I don't like that but it's obviously going to point to contention but.

MK- If we want to move on to the second one which I think is a bigger mess and I'm hoping that other people can see what I didn't, which is ways to combine these in a more meaningful way. This is really just a list of them at this point. But in doing that list, Jeb, I kept the public interest task concurrent with current statutes. We could do that in the first proposed exemption but in theory the length of that and the inconsistency that would cause seems to me to be, sort of runs counter that we're creating an example for our task force of what it looks like to make these make sense. So I am curious if guys could see what I could not see, which is a way to make this second proposed exemption anything other than a list. I tried to deal with the fact that it's just a list by kind of prefacing it with an explanation that all these things are temporary they all are serving this purpose that they all seem to be inextricably different. I couldn't figure out a way to intertwine them.

SW- First line I would replace state and public body or state needs to be defined differently.

MK- Government/al entities maybe? Public bodies for Oregonians, for the people they represent, for Oregonians. Or maybe just positive outcome.

JB- Yeah that's what I was thinking although that's a little bit, that just trails off the outcomes in its own.

MK- In their business transactions. Dave I know that these are exemptions that you indicated a particular interest in. Maybe not this set of five but the overall set of them, and maybe it goes a little more with the first set that I combined that includes the language you had pointed to at least once or twice in past conversations about competitive disadvantage. Do you think there is some language like that, that we could import to make this introductory sentence better?

DR- Maybe, I think probably more importantly is just consistently. To me the key thing is competitive disadvantage and saying that explicitly as opposed to some nebulous language, trade secrets or what have you, but that's the nub you're getting down to, is the issue of that's what we're trying to make sure that the government doesn't inadvertently creates less competition in the market which I think isn't particularly an issue here in the public body but it's the same idea. So as long as it's clear and that's what the intent is then the rest of it's just consistency. So that's all just to say, does that answer your question?

MK- Ok well while you were talking about it and saying no I wondered about saying; what if the ability to protect public bodies to avoid competitive disadvantage in their business transactions?

SW - Or how about to avoid reasonable financial detriment?

MK- Yeah something like that. *Scott agrees*

DR- Well to push back or to clarify more about what I mean, that to me wouldn't be as clear because is that it may cause, well financial detriment is financial detriment to me the state interest here is not doing anything that means a less competitive market place, whatever the context may be. Which I 'spose you could argue with, I'm just coming in with my perspective but that's my reaction to that.

RT- I think that makes sense to me Dave and it also helps explain why it's a temporary exemption. It only needs to last as long as you've maintained your competitive advantage, right? Throughout the duration of the transaction, then after that the public needs to know why you did what you did.

MK- Maintained competitive advantage is like the positive formulation of avoiding competitive disadvantage and I kind of like it.

DR- I think there is a difference between the two because it's not the job of government to advantage itself necessarily and it's not the job of government to advantage any one of their interests unless there's a specific public interest in doing so usually the way this is intended to be..

RT- Well for the tax payers, Dave, I disagree. There's a tax payer interest in getting the best deal possible on a piece of real estate.

DR- Right, in this instance.

RT- So that's the governmental advantage you want.

DR- Agreed, Yeah.

MK- I think in a general matter what you said is probably true but a few of these exemptions apply in which it less true, then ya know....

DR- If I could just say it is probably more relevant once we talk about government regulating a private entity than it is for this particular instance.

RT- Yeah I agree with that, I think that the unifying, I think it is hard to state in a way other than some sort of list but I think the unifying principal is that these are things that we think should be temporary. They're temporary because you only need them unless you're the competitive advantage then after that the public needs to know, did you get a good deal on that piece of property?

BR- I saw the unifying principal as protecting a state interest to basically get the best possible deal. I will be proposing generally or asking generally whether there's potential for making more

of the exemptions temporary. For example once the need for privacy has ended or has become moot or where both parties agree and so there are a number not just to the particular state interest. I just want to make sure we leave the door open for possibly discussing that concept.

MK- All of these 5 are temporary. If there are reasons why we would want to and it did occur to me Betty, that the first 5 I combined there is no temporal connection in those and I wondered if maybe there ought to be. Because you know at a certain point even within a business your business transaction is concluded and you got the deal you got. I think ultimately I decided against doing that for this project because to me it seems like I was trying to view our task as pretty narrowly combining these than sort of proposing changes for the sake of consistency but not proposing substantive changes that are not in any exemption currently and none of those exemptions had that but I think we have been, I've been trying to note in all my spreadsheets documenting exemptions which ones are temporary just like we've been noting which ones have public interest tests and I think to me they are kind of related. If they're temporary it's because whatever the interest is that the exemption served doesn't require a permanent exemption. So I think that is a very good point and one that we should definitely keep in mind.

JB- I particularly like building in statements of purpose where if possible when combining things because it triggers future things proposed in different laws they might be absolutely state the purpose of that and we may say well we have a purpose and that purpose is sort of covered in the law. Maybe it should be discussed for being added to 192 where we have that purpose of suggesting rather than throwing it in some other willy nilly spot. The lack of a viable purpose statement has always bothered me a little bit but with some things you assume you know the purpose but sometimes it's good to have the purpose stated so that you can really determine whether you think the exemption is really following that purpose or if it's off on a tangent. Anyway, long way of saying I like having this combined with that sort of purpose statement. I think it's a pretty good job Michael.

MK- That is both nice to hear and a little disappointing only because I was really expecting, I was just hoping we could have really just not a list for this. But I think having the two things does at least give us the ability to come back to the task force and say: You know in looking at this it was possible to combine some but not all, here's what this is likely to look like if we combine things where we can. These are the kinds of changes that you're probably going to see when we do that and then this what cataloging by itself looks like and these are the things that we perceive are advantages that come from that, and it may be that that's the best we can do working within the structure of the current events.

RT- You could boil these 5 down into 3 if you wanted and then maybe add in to those 3. The first one about the faculties that's a research exemption. So your research and your workplace is off limits until you publish it and then people would be able to see what you did and do peer review. That's very similar to the exemption we have for our audit. That's why it might make sense to have that exemption. So you could make that kind of research related exemption for the duration of the project and then faculty get the benefits of that, auditors get the benefit of that, anybody else who does similar research in a government context gets the benefit of that.

MK- Right, so research.

RT- Right, and then I think if I'm not mistaken the PER, number 3 the PERS and the accident insurance fund and the number 5, the investment counsel stuff. That all has to do with investment decisions made by public bodies. So that stuff is off limits for the duration of the transaction, if you don't pay you don't want to know the public is about to make a big investment in something. That dilutes the market, at the same time, after the fact you want to know why the state did that, did they make a right decision or a wrong decision. So that category is kind of investment decisions, returns. For the number 2 and number 4, the real estate and the transportation projects, these are both kind of infrastructure investments by government. So they're buying property or planning major developments that they want to keep secret, both so that they can get the best deal on the property and so that nobody it discourages speculation on the route of a potential new highway or something like that. Keep that tight until they're ready to make it public. But I think if you kind of organized it in those three buckets you might find that there's other exemptions that should likewise fit into those buckets and by doing so you could be adding to the number of ones that are temporary because the need for them only lasts as long as the transaction.

MK- Interesting you should bring that up Robert, there is an exemption similar to 192 for proposed similar investments. The fifth one here, the records submitted to the state treasurer for proposed publicly traded investments, there is a similar one for privately placed investments. It's both similar and different in that it's not temporary, that's the main difference. I think the purpose of it is slightly different too which is actually why it doesn't show up on this list. These private investors or as I understand it would not allow the state to participate in that sort of venture if the state could not keep that information confidential forever. Which raises kind of an interesting question for me about the cataloging approach which maybe previews a little bit or gets us into the other discussion I thought we would have today, which is; what do we do about these very similar looking exemptions that never the less are actually serving very different purposes even though they're closely related. Because I hope that if I've done my categorizing right there actually aren't other exemptions that I would think should be in this one but there are definitely other exemptions that look similar and that you could make kind of good argument for combining them.

SW- I'm thinking that there are in the local governments here other investment so for our self-insured pool weather that would meet our needs. That we're making kind of the same investment decisions that ORB would and I'm not sure if they're exempted or even sure how PEBB does their investments, or if they do.

MK- No, I think they do it through the *inaudible*

SW- Ok, and I know Portland has their own police retirement and disability fund. I just want to make sure that we're not throwing them out.

MK- Right.

SW- I don't think that there is intent to I just want to make sure that they're covered in the language.

MK- And to the extent that they have existing exemptions I have never sworn that this list of 550 is complete but defiantly we want to make sure we get as many in as possible. Robert I thought you made a pretty compelling case for ways in which these can't be perfectly combined but refined a little bit more than they are in the state that you guys see them in front of you. Does anyone see a downside to addressing that?

JB- Are you suggesting that be combined in ways that would solve elimination of the specific agencies and just be a more general statement of the type of thing that would be exempt for perhaps other agencies as well?

RT- I guess I think that's one way to do it, another way to do it is make it into sub categories of... The big category is for the state to maintain its competitive advantage these records are temporarily exempt including research records, including but not limited to faculty or auditors or these other things and I think you could list it out specifically there. Investments, including but not limited to PERS, SAIF, Oregon investment. The other thing that bothers me a little bit in the public records context is you do see where ok the Oregon investment council has a very specific exemption for itself but similarly situated the public bodies who are also making investments don't have that. So the Oregon investment council had a good lobbyist, they were able to get that for themselves but other folks that are just as deserving because they ought to have the same competitive advantage don't get it. So I can see the benefit for this being a little more general about this is why we think it's important for these records to be exempt temporarily, because people doing research or audits ought to have their stuff off limits until their paper is published. People making investment decision ought to have that off limits until after the decision is made. People buying or selling property or transportation projects or big infrastructure projects ought to have that off limits until the time comes to make it published. If you spell out those categories it does two things. First, it really informs the public that oh that's why, that makes sense to me why they're off limits temporarily. The second thing it does is I think it clues in every other public body who says hey, that's me, yeah I need that same thing too. To either go get themselves a specific exemption, go get me added to that list because I have that same problem or....

JB- The big thing would be just leave it open ended so they could claim that. Status for which I hope that, that at least the public interest has. Something like that to be wide opened but I kind of agree with you kind of good for the goose good for the gander type. These other people do the exact same thing but aren't going to be able to lobby through a special exemption, I may have to deny saying that.

MK- *laughs* I'm pretty sure we have you recorded saying that.

RT- I think that Jeb that there is a benefit to simplifying it in that way. So you don't have to know does this exemption investment only apply to PERS and OIC or does it apply to any public body doing investments. I think it is simpler if it applies to everybody. Then you just need to know oh yeah there's this thing about public investment but the cost for that simplicity is everyone gets the benefit now not just these particular...

DR- I think that is pretty sensible, I don't see a down side.

BR- Michael I wanted to really ask rather than make a proposal, it seems that there's quite a variety of investigations done by professional licensing boards and state agencies and think it was Robert that mentioned that investigative records would be off limits temporarily. But I do believe there are a number of licensing boards where the investigative records unless someone can find them of violation remain permanently closed or exempt, am I correct about that?

MK- Yeah that is correct, and in some cases, well I think in most cases there is a specialty that entails the thing is discipline is not warranted that there are indeed a lot of licensing agencies that the information about the complaint is bound by allegations stays confidential forever. To me the auditing function is a different one than these, I think, although I can see the argument for a fiscal on it or even a performance audit I guess. But really what it's about is improving the business processes of the state, but to me it's not. It's business process but in a slightly different way, it's not about financial transactions which I think all these things sort of are. Even the universities I think that they're about like having a marketable university which requires having professors that are top notch at their institution. Certainly at OHSU, OSU, I mean not all of our universities in different areas have reputations of schools that are doing good research and that is in itself one of the ways they can market their program.

RT- I think it's academic freedom protection. Protecting the freedoms of those professors to go do their research and publish papers and read from *inaudible*. Similar to the professional audit that we're trying to critique in keeping that stuff off limits until we publish it and we'll show it to everybody so they can go pick it apart, but I wouldn't die on that hill if you think they're different.

MK- I think they are similar but I don't think that. I think when the audits division looks at are there adequate controls for food stamps it's not because we want to better sell the food stamps program, that's not the way. It's that, I mean I don't know. This is a fairly abstract discussion but your question actually makes me wonder maybe if we have a whole bunch of exemptions that are designed to protect people's ability to earn a lively hood those are in a completely different category and maybe that's what this is really about. If it's about academic freedom maybe this is an exemption we should put together with other exemptions that protect individual's ability to earn a lively hood.

RT- I don't know anything about that. They're not my members and it's not something I've pondered about since college but academic freedom on the audits sees the other thing you're trying not to do is even if it doesn't cover financial control, you don't want to publish that until the public bodies have a chance to correct it. You know it comes out and client's director used their birthday inverse as the passwords it's not helpful so I'm not sure there's a financial security avoidance risk issue with that as well. I'm not sure how that would be combined.

JB- There's so many different situations you can have like the real estate and sometimes you run into a lot of working papers stuff, sort of draft agreements with people that are public records now because they're drafts, draft is another public document. When you think about really generally exempting lots of things you could have a government negotiating with somebody about whether it's going to be a million or a million and three but the secrecy of it hides it from

someone else that would be a million seven. If they only knew that the government was even thinking about selling it. You have other situations where the government even having a discussion about something could go against it because somebody else swoops in and grabs it and then its costs you more money right away or something like that. So you just have to be careful about having total exemptions that cover lots of situations that could be in the public interest or not. Maybe just having a public interest allowance is something that lets people fight through that, that think it's important.

RT- I think the other thing kind of getting back to Jeb's question about is it better to be specific or broad. I think you could almost say if it's a temporary exemption it's ok if it's broader and more generally applicable to everybody because it doesn't last forever. It's only there for a little bit of time and it's there for a good reason. Now if it's going to last forever and it's off limits forever you better be pretty specific and you better know what you're trying to get at. That makes some sense to me if you're just thinking about how the statutes should be designed. The one that's really interesting to me Michael where you brought up if the state's going to make investments with private funds then that stuff is all off limits forever and that is surprising to hear but if that's also you realize that, that was a policy decision driven more by investment returns. That's not a public records decision, that was somebody came in I'm sure and said the state is leaving a bunch of money on the table you could be making so much more money if only we could have access to these investments but we can't do it. We need to make those investments, give us that authority and we're going to have to make it to. But that's not a public records decision that's a big policy decision and you can see where that decision made sense. You could also see where people are saying why are you making those private investments, and that's a little scary.

MK- To be perfectly clear just for everyone who is listening, we get to know where the money is invested, where it's invested and what the return is. The sort of information that goes into making the investment and they do the decision making and negotiating processes that remain. Like we don't get the information that you would expect in a publicly traded investment that will allow us to make that judgment call in the end, is this really a good investment with the public's funds base that on the return of the investment basically.

SW- We elect somebody who is a democratic election in charge of using their judgment but nobody can really check if you're not that elected official.

MK- Well I mean I guess if the ORI is terrible you can judge based on that and if it's great you can too based on that. I think from this conversation I am inclined to maybe present it to the task force in both ways. The second proposed exemption which is; leave it like it is but also take a run at writing it more broadly with these categories I think that we really were able to identify for us.

JB- Surely you'd be willing to put those in writing. Draft agreements with public records now..

Inaudible banter

MK- So I think that and I don't want to hold anybody to endorsing specific changes that this entails. You know nobody is here on record saying PERS or the treasury shouldn't have these exemptions or anything like that but just as a model of what it looks like, ok?

JB- A form of consolidation, we're talking about what we would have to do to start cutting into this out of control law.

MK- Ok, So I am going to work up a third proposed exemption and the second one I'm going to change the intro language a little bit otherwise leave it alone, but then I'm going to take a crack. I think you're right. I think you identified the categories it fits to for these temporary exemptions. So thank you everyone I think that leads to the next part of our agenda which is just dealing with the awful cataloging process of just trying to impose some form of order on the remaining 400 or so exemptions. I'm hoping you all had a chance to look at some of what I did. I wanted to talk a little bit about what I did with respect to the exemptions that were initially anyway categorized as protecting private economic affairs. I found myself grouping those differently than anything else. I found myself grouping them by industry because to me that seemed like the easiest way for people to find information. Rather than trying to come up with commonalities of legal concepts in this context. It seemed like it would be easier if you were looking through a catalog of these well this is an agricultural issue so I'm going to look at exemptions related to agricultural industries. There are some upsides and downsides to that. The upside to one I've already identified is it makes a lot of sense from a user prospective but on the downside is it may make it a little bit harder to do the sort of substantive downsizing which is the sort of streamlining process where you scatter exemptions that are thematically similar but apply to different industries across different parts of the catalog. So I guess sort of the big picture thematic discussion I'm interested in is: from a cataloging perspective the value of user experience vs. the value of legislative and legal policy consistency.

RT- Are the exemptions unique enough within an industry or are you going to find enough the same types of exemptions across different industries so that you really could categorize it by category of exemption?

MK- I would say, it's funny, I would say one of the things that categorizing by industry allowed me to do is identify which industries really are treated differently under the public records law than other industries. There a few of these exemptions that applies across all industries. Most of them are specific industries; there are I think some cases where one industry and a second industry have a similar exemption but that doesn't mean that it applies to every industry it just means that those two happen to have a similar exemption for information that's related to that industry.

JB- If there is value in being able to look at them by industry then you could combine those things that you just described so at least there would be consistency. If an exemption applies in two or three different industries it very likely has very different language in each of those at least when they're approved. At least make them consistent as when they showed up on one industry or another.

MK- So make them consistent but not put them together. I mean I think that's...

JB- If it's important to do that to retain the value of looking at them by industry. Which may be just a research value vs. end result. How it appears in ORS.

MK- That's kind of what I'm hoping you guys will weigh in on. As I was trying to organize them more sort of thematically it just seemed like a complete mess to me honestly. That's how I started out this process; I started by trying to figure out ok what are commonalities of the records and how do I group things based on the commonalities of the records regardless of the industry. When I looked at what I had and I didn't get through them all the way by any means you I probably had done 20 or 30 of these things and I was just looking at them. Well if I was trying to figure out and requesting records from the Dept. of Agriculture what's exempt, this is not really a helpful document. You have to look here and here and here whereas if I just put them altogether. What are the sort of relative values of user experience vs. I don't know. That's exactly the sort of question I'm interested in.

RT- It seems like there is a pretty high value in it both from the requestor's perspective and from the administrator's perspective.

SW- Of having it by industry?

RT- Yeah of having it by industry so the person at the department of agriculture in charge of responding to the public records request. All of my exemptions are right here and I can go look at it without having to go hunting around and I can just tell the requestor, look right here.

SW- Agriculture.

RT – Agriculture is what I'm basing my decision on. It seems like it would be good for everybody involved.

MK- Correct, where it is less simple is where you then try to apply consistency as a legal matter across the spectrum.

RT- I could be wrong about this but it seems like to me that the legislature might make different policy decisions about what's off limits or ok to disclose based on the industry. The different industries raise different interests, different judgements might be made.

MK- Or even bringing back, I think that's possible but I think also just bringing back Jeb's question, maybe the answer is that the second interest in identifying the consistency of the law, maybe that's more of an interest that matters to us as we work on it as opposed to the interest of what the final product needs to reflect. Maybe the final product can reflect like utility to the user and in the meantime if we wanted to look at its consistency we can sort of do that behind the scenes and that it doesn't. I mean the final product could be arranged differently but in the meantime. I mean that suggests more work for me or for Noah, who is not here because he is off working on some of the other stuff that came out of our task force meeting last time, bless him.

DR- I'm having a hard time, there is something intriguing in the way Jeb talks about it but I'm having a hard time even staring at the spreadsheet envisioning how that might get resorted to accomplish that purpose.

MK- Well I think at the end maybe it doesn't but if we want to apply consistency I think it would be helpful for us to do a second sorting for sort of use in this process to identify where we might make things more consistent across industries. I guess maybe..

DR- I agree with that, yeah. As much as that creates more work it does seem valuable.

MK- And maybe that will depend a little bit on the larger task force's reaction to our example of a streamlined exemption and whether that is something that the task force is going to continue to pursue in the immediate future. My anticipation is that they're going to like what we've done, I like it, but that will mean more work for all of us. *Laughs*

BR- Michael, I have comment and I'm sure how it might fit in with this discussion. I like the way that you grouped professional licensing boards. I think part of the rationale is that the effect an investigation could have on that person financially. The flip side of that is that I think there is a patient safety element in a lot of what professional licensing boards do and I'm wondering if some of those might better fit in the administrative safety category or perhaps in both. I don't know if that makes any sense but where there is an element of patient privacy or safety involved.

MK- So Betty that's another great example of kind of the difficulty of the thematic sorting. I can tell you what I did and sort of defend the choices I made but I can't tell you they're the only choices that could be made or that necessarily it's the most helpful or most useable end product. Basically I put things in the person privacy category if it was clear to me to the extent of information in a licensing board investigation that is permanently exempt, that it was an exemption that was tailored to protect privacy interest of the person who was complaining essentially, or the patient in the scenario. If it was broader than that and actually would have the effect of hiding the fact that there was a complaint and what the specifics of that complaint were without even worrying about, like going beyond just protecting the identity of the patient but actually the nature of the complaint itself was off limits. Those are the ones that I put in the economic affairs category. To me the difference between those two things is significant. If it's your goal to protect the patient privacy then you can craft an exemption that can narrowly do that and if your exemption does more than that and makes it possible for people to know how many of what sorts of complaints are there against a particular professional it seems to me that the interest being protected then was the professional's interest in their livelihood.

JB- So those broader ones also include the more specific personal privacy elements in some cases. Which you just can't separate them and put them in two places but that's why I was wondering when I said that part I didn't know exactly how you're thinking about those. That makes sense.

MK- Yeah, it raises though the same question we were just talking about right. Which is on the one hand from a user perspective it would be nice to say well I want information about a

complaint against a licensed professional and the investigation of that complaint and just having a list of what those are would be helpful theoretically. Maybe it's not as helpful to have some of those exemptions classed as administrative exemptions because they're temporary and they protect the public body investigatory process. Some of them categorize as personal because there are permanent elements of those exemptions to protect privacy and then others categorized as economic exemptions for the reasons that I've just given and now you've got very similar exemptions in a three different places and I'm not sure that, that is the most useful end product. So I'm very curious what you guys think.

JB- I kind of like the user value of grouping them by industry. I guess that in a perfect world you'd say: here's a bunch of exemptions by industry but the following eight things apply to all of them, we found. Rather than repeating them in different language up and down, I don't know whether we would find that certain personal privacy types of things would be extracted out of that general economic affairs area. That might be a prelude to that portion of law. Maybe, maybe not, maybe they're all going to be different enough that they have to be stated individually. From our perspective we are usually working on a cross section of things with an industry or an agency that falls in this certain area.

MK- Jeb let me see, I'm not entirely sure I'm envisioning what you're describing, but I think maybe I am. Are you suggesting that we group all of the investigatory exemptions together but sort of in that grouping we specify that although these look the same these are temporary, these are temporary as to everything except for some stuff and these are basically permanent.

JB- Well I was thinking more like the format that you did by industry. I kind of liked, I didn't spend enough time on those to really know whether this is realistic. That within those you had 6 – 8 or 10 that were health, how many different sub-categories of economic affairs were there, 18?

MK- 18, but I think the problem with that and the problem we're talking about is that, we have now an administration spreadsheet which was just the admin exemptions. We have the economic affairs spreadsheet which is just the economic affairs and we have the personal privacy and in each of those spreadsheets there are exemptions that relate to these kinds of investigations. So just leaving them here doesn't address the fact that there are some over there too. So that's kind of like, are we better off putting things together that look alike or are we better off retaining this sort of intellectual rigor and although intellectual rigor is maybe more useful in this process I guess I'm starting to doubt whether it's the most useful user product.

SW- I think there is another challenge on some of those because there is another statute that requires public bodies or actually any custodian with some of that data to have plans to protect it and dispose it. I think it's in 661, if we, any to change to that where it becomes inconsistent with our obligations to protect that privacy, and I think we get into the with a general statement. We may be in jeopardy and I'm not sure I'm articulating this well but I just remember back to '09 or the '07 session where we went through this identify the set-log and stuff, set of bills and just making sure that the local government's responsibility to protect privacy. That's where I see the potential for some conflict

MK- I think the ID theft act is 46.

SW- Yeah could be.

BR- We've been talking about user value and user product and I'm not sure how that differs from public interest. I do agree with Jeb, the public interest test is pretty inconsistent. For example, physical therapists and chiropractors have a public interest test but not other professions and so I think there's that issue. The public interest test whether we should be looking at making it more consistent and then I wonder if there is the potential for making more of the exemptions temporary. For example, once the need for privacy has ended, the matter is resolved or it becomes moot or where both parties agree. I'm wondering if that might address either the public interest or user value objective.

MK- Only with respect to the licensing agency investigate complaint agency records I would sayNot only did SOS Keasling in 1991 take a run at that and fail, Les Zaitz who's not here in our sub group but is part of the task force because he was on Keasling's task force back in the day too. I think maybe the Oregon Health Licensing agency maybe two years ago again tried to get a uniform rule of confidentiality for these investigations took that to the legislature and basically there was a revolt. Like everybody in that area sort of likes their own special rules as they have ceded over time unsurprisingly I guess. So putting away that sort of political reality, abstractly it sort of does seem to me like it would be fairly easy to articulate and offer a defense for one rule in these circumstances and I think that rule from my perspective would look something like you give the agency a period of confidentiality in order to conduct its investigations, at the end of the investigation you protect to the extent you have to be kind of appropriate in the circumstance you protect the privacy of the person who's not, people who are not the licensed professional are implicated in that and then you allow the public to know generally we found this complaint was not founded against this particular dentist, dental hygienist or whatever it is right and we found that almost the 14 other identical complaints on that dental hygienist were not founded. You don't get to know anything about the patients but you get to know what the nature of the complaint is and see how many there are and know what we determined. To me that's frankly personally the rule that I see applying to everybody. The bar currently, I think there's only one of member of the bar here and that's Robert but, if you make a complaint against a lawyer even the bar doesn't have that initial confidentiality. That's a process that unfolds in complete public and I'm ok with that too. I mean I don't get the idea that lawyers are struggling to make a living by practice when complaints about them are made public in the process but it does seem to me that there is an administrative value in being able to conduct an investigation without having it being conducted simultaneously in the newspaper. I don't know, just my two cents but again I think the policy makes that really complicated.

BR- Having made my comment, we were talking about doing it incrementally so this might be a hurdle we don't want to impose on ourselves.

MK- Well Maybe, oh go head Rob, Dave.

DR- It seems like, it would seem like at minimum though like if we were to do nothing else everything you just laid out Michael like if we ended up with something that at least created

absolute clarity about the inconsistency we'd feel good about our work. Then that way if we didn't do anything else, I'm not saying that we couldn't do something else but if we did nothing else then you know if 5 years when there's another work group on this thing we save people a lot of time in just sort of figuring out what the problem may be that they wouldn't have to spend that time attacking. So we should just figure out a way to make that piece really really clear.

MK- Honestly I think that we in large part can pull senate bill 501 from 1991 and kind of look for this particular example anyway and kind of look to that or I can't remember the bill number for the last round of ORS but it did impose some sort of consistency on this but I know it was just a couple of sessions ago.

SW- I don't have the list in front of me but when someone filed a complaint against a city employee we're governed by CDA as to when we can, that's usually how we handle it when it comes to collective bargaining agreements. Do you envision the superseding change making it?

MK- That's interesting because..

SW- I'm not going to get in the way of it but I represent management, somebody else might and probably would.

MK- Right. So the interesting thing about that is to have that provision in your contract and have it effective it would need to be consistent with some kind of exemption under the public records law because you can't create them contractually. So I guess the question is, is this relying on an exemption that would be affected by what we're talking about and I don't think so at least not the extent we're just having a conversation about licensed professionals although I suppose. Well no because there are complaints about licensed professionals to their regulating boards so it wouldn't really effect.

SW- Ok I'm sorry then it wouldn't be an internal issue it would be an officer with a complaint to DTST

MK- For example, exactly.

JB- So do these exemptions mostly protect the person or the process or.. In reality how can the media (I can't argue on behalf of all media and claim 100% integrity) the reality is we don't report these things if there's not some other thing going on related to this person. We don't report the complaints against the bar or anything else until, unless that attorney is involved in some kind of a public uproar and then it comes into play we generally wait until after, if we even report it then.

SW- You do when it comes to OGC complaints, the complaints get reported.

MK- *Asks phone conferencing members to mute themselves in effort to minimize background noise.*

Inaudible

MK- So I think there is a couple issues, one that I think is a media issue but I think often it's a consumer protection issue. Lee Vanderhoo who some of you may know and some of you may not know who she is, was telling me about an awful story. So this is second hearsay but I'm completely sure what Lee told me was true about a woman that she met in the course of her reporting that was considering getting lasik, laser eye surgery. Was considering a specific eye doctor, asked the regulatory board about complaints and discipline involving the doctor, was told there was no discipline involving the doctor, went, was blinded by the doctor and it turned out, yeah there was no discipline but there were a boat load of complaints. That she was not able to get information about because the discipline hadn't been imposed so it didn't invoke the part of the statute that provides public disclosure. So I think honestly this issue to me is considered a safety issue.

JB- Isn't a bar complaint protected until it's decided to move forward? I mean isn't there a small gap where they actually..

MK-Nope you can get complaints on lawyers as soon as their filed if you know to ask for them.

DR- I think regarding the case for this to a consumer protection issue I think Michael you laid it out beautifully and I even hesitate to jump in except just to say you know the consumer financial protection bureau this is exactly the direction they're moving in. Where they've made a policy decision that the complaints was enormously consequential even without any other you know follow up data and so they're compiling and releasing these massive data bases with complaints on a whole set of industry and then in and of itself is modeled off the I forget whichever federal agency is regulated off the airlines and they do have really valuable information for consumers and they have an effect on the industry we generally report positive. So hey this is really just a second, you're instinct on it I think there is really a lot of examples where very high functioning public bodies are embracing that concept.

MK- Well I think that is good context and something to take back to our group. I think maybe it's a little bit off topic for our agenda so I think I want to steer us back onto the things I'd like to accomplish. I'm pretty comfortable with respect to the economic affairs exemptions, you guys are comfortable with the idea that for user purposes we it probably makes sense to group things by industry as I've done but that we may want to have a separate grouping to use to potentially identify well where can we make the exemptions that are in the different industry categories more consistent if we wanted to do that. That still leaves the personal privacy category, my feelings on the personal privacy category are mixed because on the one hand I understand why we have so many specific exemptions for personal privacy because we want to make sure that this information is not disclosed because we view it as a violation of personal privacy but on the other hand it seems to me like the one area where a really just simple generic invasion of personal privacy exemptions could probably run. Like I don't think you're going to get anyone arguing in 2016 that disclosing information about people's health in their business to a medical professional is inappropriate and a violation to their personal privacy or the identity theft protection act and the data that is prohibited to be disclosed under that act. I feel like on one hand we have this vast number of exemptions and they do different things, some of them may fit into this overall idea of privacy better than others but I don't know, to me it just felt like categorizing them almost felt artificial because yeah this one is related to your health so its privacy and this is

related to the autopsy of your deceased parent or spouse or child or whatever and that is a separate kind of privacy interest because it's not about your health but ya know I don't know. So I'm curious as to what you guys think about that and then if we are going to keep, and I think we probably have to keep a catalog, I ended up putting a bunch of stuff into a category that I just called privacy because I didn't know where else to put it. It was stuff that seemed like ya it makes sense to me that this stuff is exempt but I'm also not really sure that it belongs in a category. I don't know, I hope you guys had a chance to through these anyways I know it's a huge spreadsheet.

RT- How many personal privacy exemptions were there on this?

MK- I don't have my numberings on this.

JB- There were 14 that were personal privacy, that's mine, I raised that question, aren't they all personal privacy? Some are personal privacy with a privacy sub category. It threw me off a little but.

MK- I agree that, I guess there are. Here are the categories I put them into: background check records. So this is when your employer is conducting a criminal background check. *Michael thanks Sandi Lopez for bringing down a replacement printout of the spreadsheet.* That information is protected uniformly there are like 8 different statutes saying that. Contact information, this one is weird because it's pretty inconsistent really, like when an address is exempt, when a phone number might be exempt. When an email address might even be exempt but its all contact information of individuals which is not generally what I think of as the purpose for the public records law. I don't think that the underlying purpose of the public records law is to make individuals contact information exempt. I think it kind of just does that as a consequence of not wanting to impose unnecessary restrictions on the disclosure of information but its become less consistent in doing that over time. I created a category for correctional information. This primarily relates to things like the pre-sentence report if you're convicted of a crime the pre-sentence report is something that the defendant usually goes and gets their entire life history put into a report that will then be considered for purposes of possible sentence mitigation, under law is not an exemption but it could also covers an exemption that allows the correctional commission the interstate correctional commission to adopt rules exempting from disclosure.

Information about inmates that they believe would violate their privacy if disclosed. Deceased and survivor information this is what I was talking about with respect to the medical examiner. So the medical examiner gets all kinds of medical records. The typical privacy construction under U.S. constitutional law you don't have a privacy right when you're dead if that makes sense. The Supreme Court has found that your next of kin may have a privacy right that is affected by disclosure of information about you even after you're dead and I think the famous case was. Oh what was his name, the Clinton attorney who committed suicide and there was pointed freedom of information act dispute for the autopsy photos of Vince Fosholm. The Supreme Court concluded that although Fosholm had no privacy rights his children had a privacy right that justified withholding those intimate photos and we have similar exemptions in OR law disability information, I think that one is pretty united. Again, I don't feel like a lot of these are things that are going to engender debate but almost for the same reason I feel like they're all sort

of things that we could safely capture with a really generic personal privacy exemption. Education information is another example of that. Police records are a category of information that public records law recognizes as protected. Family information comprises things like custody disputes, custody proceedings and youth who need assistance. So like foster care, adoption records, all these things having to do with families and children and that's actually a big category. Personal financial information, tax returns, information about your bank account holdings ect. Again, these seem like things that we generally are going to agree about.

In society, health records I created a category for, I don't really know if that requires any further discussion. Health is another huge one, that's maybe like 8 – 10 pages of the spreadsheet. This one is kind of weird, I'm not sure if it really belongs here but interpreter information. So if you are one who requires a foreign language or sign language interpreter there's confidentiality expected in that relationship. Juvenile offender information, again the idea being that our theory with juveniles is that they deserve a second chance. We try not to put people away for life for things they do when they're young. I don't know, my sense is that people usually agree on these types of things. Mental health like counseling maybe even equally obvious with other kinds of health, and then we get to the privacy category which we were just talking about and maybe the thing to do is just talk about what these 14 exemptions actually are. So one is information you submit for the purpose of getting certified copies of birth certificate or other vital records that you're entitled to. So you have to prove your identity, so it's kind of an identity theft interest there. Master jury lists, so these are the list of people in an area that are eligible to be on a jury. I don't really know what category I would put that in. Private investigators files.

SW-Oh you could cause all kinds of mayhem if those got out.

Laughs

MK- Obviously for the most part public bodies don't have these but to the extent that DTS is regulating a private investigator they may get that in a case where a client has a complaint about something an investigator does. Or not a client even but someone who is affected by their conduct, maybe that's mostly family but it's really hard to know exactly what is the interest being protected there but it does seem to me like these people are snooping in people's lives and we want to protect the privacy of the people from public disclosure. Photographs of public safety officers, a new one. Public body may not disclose photographs of a public safety employee of the public body without written consent of the employee. In that context, so just you can't, you know, share photos of the person in the coffin. A new one which I'm personally not sure I, the new exemption for body cam recordings, which was fairly controversial at the legislature but was ultimately adopted as part of the body cam. Was that last session or the session before? I think the theory there is if you have a SWAT team busting into your house in the middle of the night and you're sleeping and that, I don't know. My personal take is that when you're interacting with a police officer it's not really a private interaction but on the other hand..

SW- In your own home?

MK- Well they have to have a warrant or my permission to be there.

Inaudible

JB- It started off as a signed release by anybody that was in the street. You know so you'd wouldn't be able to get to any body cam, but that got changed.

MK- Well what it is now and I'm not sure, this is totally tangential and probably not worth covering but what it is now is basically when they are disclosed there's a public interest they have to obscure the faces of all the individuals appearing in the video. Which I'm not sure if there were actually body cameras being operated in the Finnicum shooting for example.

RT/SW- Aerial. There was an aerial video from the airplane but no..

MK- I mean I know none of them have been released but are you sure there weren't any that were taken?

SW- Not to my knowledge.

JB- There's another one coming because of that about the identity of a public service safety officer who was threatened. That didn't get passed this time but it's coming back.

MK- But I mean in that scenario, Finnicum scenario that law would require Finnicum's face to be obscured which seems to me like maybe that's a little bit preposterous since everyone knows who he is or what he looks like.

RT- So this may be overly simplistic but it strikes me that all of the other exemptions we have been talking about can now make the administrative deal with the work of the work of the public body and the decisions those public bodies are making with public funds, that for some reason or another we're going to keep off limits to public disclosure. In that context, those exemptions from disclosure would be pretty limited, temporary and well thought out. The stuff you just talked about, the privacy exemptions, that has to do with personal information of members of the public who are, they're not public officials, they're not public employees. The state just happens to have their personal information because the state collects that stuff and those private citizens have every right to want to keep that stuff off limits, private, they have every right to want that list to be long and detailed. So that they have some personal assurance that the state is not going to disclose my personal stuff, so that's my soap box statement on that. I would leave that alone, because I think that we owe that to the citizens of the state of Oregon who the government happens to have their fingers all over their personal information we ought to just leave that.

JB- There's some mixture of public employees in that grouping.

RT- Ok, fine.

JB- But one of the things..

Inaudible

SW- I would say that one of the things involving public employees and what not may be more appropriate economics but I agree strongly with your statement. I think you're talking about people who are in a situation they typically didn't ask to be in. Witness who are victim of a crime these sorts of things and we need to protect, exercise at least, the state should be exercising common courtesy at least.

JB- I've got a commitment I've got to. Just to back track a little bit by pure accident when I was trying to find the related thing I found a February article about a major proposal before the state of our board of governors to make all the complaints confidential. I hadn't seen that until they go down in a formal.

MK- Right, and I believe that proposal did not pass.

JB- You think it's gone through the bar and not, yeah.

MK- I think so.

JB- This article said it was being pushed by someone who was a heavy hitter.

RT- Yeah that failed.

Inaudible

JB- Yeah I hadn't seen that.

MK- So the two lawyers in the room can think but, are you a lawyer too?

Audience member- No, I'm not a lawyer.

laughter

JB- Something that would be legislative in the future.

MK- I think you guys both make good points. I would sort of make a counter point which is in the same spirit. But for right now for the most part if you want to get at someone's mailing address from a public body and they have it, these exemptions generally don't cover that. There are specific..

RT- My office has the list of registered voters. That has your name, your address, date of birth and there is a very good reason why that information is public, because we don't have secret lists of voters in Oregon. That would be scary in itself so there is a reason...

SW- We're not a nominating committee.

Laughter

RT- Right. So there is a reason why that list is public but health records and a lot of that other stuff that's listed in there is, I feel very strongly that that stuff ought to be off limits and I feel very strongly that there is nothing wrong with that list being very long and detailed. Because in a sense you're giving the public an assurance that this thing about you is off limits to other people.

JB- Is this all being covered and just adding on 191 to 102, 502 personal privacy/elimination. That's where we assume that is.

MK- I honestly don't think that as it is currently written and as it has been interpreted over the years that it in itself is adequate to cover all this stuff. But I do have an idea in my mind that it theoretically ought to be possible to have a very strong policy recommendation that says. You know, makes the distinction that you just made Robert. Which is, the purpose of this law is for people to be able to find out what's going on, leave the government to deal with government funds, decision and policy making and that the purpose is not really to provide a way for some citizens to get access to information about other people who are personal citizens and in recognition of that. I mean I'm not saying we should do that but I repeatedly had the feeling as I was going through this that categorizing it almost it almost didn't make sense and I was left with this sort of weird left over hodge podge of exemptions that I felt like all were fairly appropriate with maybe one exception. As protections of personal privacy but that they didn't fit neatly in any category that I could come up with. Maybe that's just my sort of grouching and we just need to either come up with a better place to put them or we just need to accept that there is going to be a miscellaneous sub category in the personal privacy exemptions.

JB- I agree with the importance of personal privacy. We have some people that won't give us a document because it includes someone's salary. They think that's personal information and then we have some people that provide the whole document and carefully extract any real personal information because they understand the purpose. So the better job we could do of getting more people to do that is a better definition of personal information, because it is broadly misunderstood out there.

DR- That was the direction I was about to go in was I whole heartedly agree both with the Robert articulated the spirit but then I just feel like I see a lot of example of what Jeb is talking about. Where so many people just want to get into the kitchen sink so then you do need to define what isn't personal privacy, either informally or formally for that to really be operational.

MK- I think I will take both of those comments as good points against my abstract yearning for a simple personal privacy exemptions because to the extent it's more abstract it probably becomes more susceptible to that kind of abuse and it also risks sucking in the voter list. Which as you pointed out there are very good reasons for having those voter lists publicly available.

DR- The way that Robert described it, it does. One of the reasons why I thought it was so nicely done it makes it harder to shoot in more things that are inappropriate and I'm forgetting the specifics but it was. You know it's all about an individual citizen just going about their business. You know the private-ness and voting if you think of it that way. The voting makes a lot of sense because that's just the process we go through to do anything so of course it has to be public. But it's an individual person going about their private business and then having to interact with the

government just to live their lives. As opposed to a company that is a tax subsidy which of course is my hobby horse or any number of things.

MK- The private equivalence of that I think we may have made a policy decision deciding that if you're in need of receiving public benefits there was a time you could get information about who was on the policy rolls. A policy decision was made a long time ago that we're not going to subject people to this kind of humiliation just because they happen to need help. I think we assume that people aren't receiving these benefits because they want them and I think in general that is a fair assumption.

BR- Michael I did like your comments about preparing a purpose statement. I think it serves the purpose of providing a rationale, providing guidance and it was also very interesting how often the courts relied upon the purpose statement in the records law in reaching its decision.

MK- Right, so even if we're having this sort of list we can create sort of categories that explain to people. I think this goes back to something you said Jeb, people can then see oh this is a list of exemptions that protect health information and I agree that should be protected. It makes sense that we don't need every single one necessarily. I feel like the direction is here maybe I won't call it a privacy sub category, I'll just call it a miscellaneous category and that we're pretty content otherwise. I didn't finish quite get through all these, the other categories are social security numbers, public benefits.

JB- Clergy in there I hear some.

MK- Yeah there is a couple of clergy and religious and then things for victims like the child abuse supporting laws, domestic violence, fatality teams. Whistleblowers I put in this category to at the end as people come forward. They may be in a slightly different category in the end but I think the reason we protect them is from personally being subject to retaliation and negative effects of having to comply. So as long as those categories sound good to you guys then I think I will just abandon the privacy section. Maybe I'll just put them somewhere else. Jeb if you have thoughts about that then maybe you could take a stab at it to. Otherwise I think that will be the plan with respect to these. With respect to economic exemptions sort of the way that I have it, but I'm also going to work on a second list that will be more thematically grouped so if the task force wants us to proceed with trying to find ways to make them more consistent then we can consolidate some of them that we'll have a document to work from in doing that.

Does anyone else want to bring up any business or could we adjourn early and let Jeb get on his way?

JB- I'm good here for a little bit here.

RT/SW- I'm good.

MK- Well thank you guys, always even more fun than I expect to see you all.

RT/SW/JB- Thank you.

BR- Thank you for your great work Michael!

Unanimous Thank you's

MK- Alright guys, nice to hear, thank you all. Bye.

JB- I thought that, that might help.

MK- I think 2 or 3 pieces of legislation might help.

Inaudible

KH- Michael?

MK- Who's there?

KH- Michael?

MK- Kevin Hore!

KH- Yes, I just made some comments on the chat but I don't think you guys can see it. Does the call save those comments? Sorry I couldn't be there in person.

MK- Molly is looking at that right now. Hi Kevin! I'm glad you could talk at this point. That's Kevin Hore with the republican party who has come to many of our meetings.

KH- Yeah I couldn't make the drive today but I did make comments and thought maybe. I made them and tried to be as specific to what you were talking about knowing you probably wouldn't see them in time.

MK- Well let me keep you on the line and I'll let everyone else go and if we didn't get those comments coming in on Molly's wall then we'll figure out a way to get that. So Kevin you stay on the line and I'll let these guys go.

Meeting adjourned