



## Nathan Vasquez, Multnomah County District Attorney

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April 23, 2026

*via email only*

Shawn McMurtrey  
[shawnmcmurtrey@gmail.com](mailto:shawnmcmurtrey@gmail.com)

Re: Petition of Shawn McMurtrey seeking records from the City of Portland

Dear Mr. McMurtrey:

On March 14, 2026, you submitted a public records request to the City of Portland (Reference No. C449381-031426) seeking:

all digital records, including but not limited to emails, text messages, memos, letters, reports, meeting notes, social media posts, and internal or external communications involving communications between the mayor, the city attorney, and/or the city administrator of Portland, OR, USA, regarding the following topics and keywords: [1] The status of the violation notice that was issued on September 17, 2025 to the US Immigration and Customs Enforcement Facility, 4310 S Macadam Ave. [2] The status of the facility being given the opportunity to correct those violations as it relates to the US Immigration and Customs Enforcement Facility, 4310 S Macadam Ave. [3] The status of the reconsideration hearing and fines as it relates to the US Immigration and Customs Enforcement Facility, 4310 S Macadam Ave.. Land use reconsideration request as it relates to the US Immigration and Customs Enforcement Facility, 4310 S Macadam Ave.

The request covered the period September 17, 2025, through March 14, 2026. On March 31, 2026, the City responded that it had searched the communications of Mayor Wilson, Robert Taylor, Mike Jordan, and Raymond Lee and located records, but asserted that those records were subject to attorney-client privilege and exempt from disclosure under ORS 192.355(9)(a) and ORS 40.225.

You petitioned this office on April 11, 2026, as permitted by ORS 192.422, challenging the City's privilege assertion. You argued that attorney-client privilege applies only to confidential communications made for the purpose of obtaining or providing legal advice and does not extend to underlying facts, policy discussions, or routine administrative communications; that the City offered only a conclusory statutory citation without identifying categories of records or demonstrating a document-by-document review; and that the involvement of multiple non-attorney participants further undermined any privilege claim.

After receiving the petition, the City revised its position. In a letter dated April 20, 2026, City advised this office that upon further review the two records the City located are not responsive to your request. The City states that those records concern the pending federal litigation in *Oregon v. Trump*, No. 3:25-cv-1756-IM, and have no relation to the land use violation notice, the

opportunity to correct violations, the reconsideration hearing and fines, or the land use reconsideration request specifically. The City acknowledges that it initially deemed the records responsive because they referenced the ICE facility, but concludes on further review that they fall outside the scope of your request.

I have reviewed both records and can confirm that the City's revised assessment is accurate: neither communication involves the subjects identified in your records request.<sup>1</sup>

Where a public body responds to a public records request by stating it does not possess records responsive to a request, there is no denial of a records request for this office to review. ORS 192.411(1) and 192.415 give a person "denied the right to inspect ... a public record" the ability to petition the District Attorney to review the matter. Although the City initially asserted attorney-client privilege, which was a denial that we could review, the current state of the request is that the City has provided a written statement that it is not the custodian of the records that have been requested consistent with ORS 192.329(2)(d).

### ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ  
District Attorney  
Multnomah County, Oregon

By: 

Adam Gibbs  
General Counsel

cc: Trevor Byrd, City of Portland

**26-23**

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<sup>1</sup> Although this office does not have the authority to check a public body's work, given the unusual posture of this case, the City nonetheless submitted the two records it initially deemed responsive for review. *Petition of Eubanks*, MCDA PRO 26-14 (2026) ("The public records law does not give the district attorney the authority to 'check the work' of a public body by retracing their steps and looking at every document they reviewed during the course of their search.")