VICTOR ATIYEH
GOVERNOR

Executive Department

155 COTTAGE STREET NE., SALEM, OREGON 97310

November 15, 1983

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SWAMI KRISHNA DEVA, MAYOR
THE CITY OF RAJNEESHPURAM
HOTEL RAJNEESH
1115 SW 11TH
PORTLAND, OR 97205

This will acknowledge your letter dated November 15, 1983.

As I indicated by telephone to you yesterday, I will not be able to take action on your request regarding release of State Funds until the Attorney General has replied to my questions on the subject. I have attached a copy of the letter to the Attorney General so that you will be aware of the questions asked by this office.

If the Attorney General indicates that moneys were withheld erroneously based on his Opinion No. 8184 and that those moneys should, therefore, be released, we will take immediate steps to release those funds to you. If, however, the Attorney General replies that we still should continue to hold those funds until court action has been completed, we have no choice but to comply with his legal advice.

I will keep you informed of any correspondence received regarding our request for an opinion.

Neal R. Fisher, Administrator
Accounting Division

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Attachment

cc - Bob Oliver, Governor's Office
Bob Smith, Director, Executive Department
William Gary, Department of Justice
Vern Skoog, Highway Division
Frank Conrad, Oregon Liquor Control Commission
David Yandell, Emergency Management Division

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Executive Department

155 COTTAGE STREET NE., SALEM, OREGON 97310

November 14, 1983

HON. DAVE FROHNMAYER
ATTORNEY GENERAL
DEPARTMENT OS JUSTICE
JUSTICE BUILDING
SALEM, OR 97310

The Highway Division of the Department of Transportation, the Oregon Liquor Control Commission, and the Executive Department are currently withholding distribution of State Funds to the City of Rajneeshpuram. This withholding of these distributions was done based on an interpretation by the Executive Department of Attorney General Opinion No. 8148 dated October 6, 1983. The Executive Department is now requesting assistance regarding the Attorney General's Opinion stated above and related matters as follows:

1. Should the agencies listed above withhold distributions of State Funds based on the opinion cited above?

2. Should the agencies listed above withhold distributions of State Funds based on 1983 Special Session House Bill 3028? It is my understanding that the Land Conservation and Development Commission questioned the validity of the incorporation of Rajneeshpuram in a public meeting as required by Section 2 of House Bill 3028.

3. If the answer to question No. 1 above is no and the answer to Question No. 2 is yes, what is the status of the moneys withheld previously based on the Attorney General Opinion?

4. If the provisions of House Bill 3028 should be invoked, what is the status of a distribution of State Funds not mentioned in House Bill 3028? The moneys in question are those distributed quarterly for the statewide operation of a 911 system. The statutes involved are ORS 401.710 through 401.790.

Neal R. Fisher, Administrator
Accounting Division

jh

cc - Bob Smith, Director, Executive Department
Vern Skoog, Highway Division
Frank Conrad, Oregon Liquor Control Commission
David Yandell, Emergency Management Division