



DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-4400

February 27, 2015

The Honorable Amanda Marshall
United States Attorney for the District of Oregon
1000 SW Third Ave Suite 600
Portland, Oregon 97204

Re. Kitzhaber/Hayes Investigation

Dear Ms. Marshall,

Thank you for your letter. I agree with you that the wisest course at this point is for the Oregon Department of Justice to temporarily defer its investigation into the allegations of misconduct by former Governor Kitzhaber and Ms. Hayes. We appreciate your willingness to share the results of the federal investigation with us when your investigation concludes. At that time, we will review the reports you provide us and will make our own determination as to whether to pursue further state action. This decision is consistent with both my statutory duty to investigate as well as my duty to cooperate and coordinate with other agencies in complex criminal investigations of this nature. I also believe that you and I share the ultimate goal of protecting the integrity of our state institutions and that this arrangement is in keeping with our shared goal.

In addition, there are a couple of matters you raised in your letter with which I disagree. They do not, however, affect my decision to defer. But because there may well be future occasions for cooperation between our offices, I feel it would be useful to call them to your attention.

First, I disagree with your assertion that the Oregon Department of Justice has a conflict of interest. Regardless of whether my office is advising a state agency or pursuing criminal charges, our obligation to uphold the law remains the same. Moreover, whenever we undertake a criminal investigation – whether or not it involves a state official – we take appropriate measures to ensure the integrity of our case. In short, while I do not agree that a conflict of interest exists,

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I respect your decision not to pursue a joint investigation with the state, in part, because of your concern in this regard.

Second, I wish to clarify that our investigation began several days prior to our receiving former Governor Kitzhaber's letter requesting an investigation. However, because you expressed concerns about the possibility of an interference with the ongoing federal investigation, which is a concern we took very seriously, most of our time has been taken up, understandably, with the logistics of coordination and cooperation.

Again, I wish to offer my sincere appreciation to you and to FBI SAC Greg Bretzing for your courtesies. Please feel free to be in touch with my office if we can do anything to assist your investigation. If not, we await the results that you have agreed to share with us.

Sincerely,

A handwritten signature in cursive script, reading "Ellen F. Rosenblum". The signature is written in black ink and is positioned above the typed name.

Ellen F. Rosenblum
Attorney General

EFR/jg

Cc: Greg Bretzing, FBI Special Agent in Charge