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June 4, 2004

Christine Dorchak
Grey2K USA
PO Box 442117
Somerville, MA 02144

Re: Petition for Public Records Disclosure Order
Oregon Racing Commission Records

Dear Ms. Dorchak:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on May 25, 2004, asks the Attorney General to direct the Oregon Racing Commission to provide you with copies of all disposition records produced by Multnomah Greyhound Park for the period of July 1, 2003 through December 31, 2003.[1] For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. If a public record contains exempt and nonexempt material, the public body must separate the materials and make the nonexempt material available for examination if it is "reasonably possible" to do so while preserving the confidentiality of the exempt material. *Turner v. Reed*, 22 Or App 177, 186 n 8, 538 P2d 373 (1975).

The Attorney General may order a state agency to disclose records only when the agency has denied a request of the records. *See* ORS 192.450(1). The Public Records Law imposes no specific deadline for the release of requested records; the public body must release nonexempt records within a "reasonable" time. The reasonableness of time may vary with, for example, the extensiveness of the request and the complexity of the legal and factual issues that arise in ATTORNEY GENERAL'S PUBLIC RECORDS AND

[1] We appreciate you extending the time within which the law would have otherwise required us to respond to your petition.

MEETINGS MANUAL at 9 (2004). In this instance, you made your initial request for records by letter dated April 16, 2004, and reiterated your request by letter dated May 11, 2002.

We conferred with Jodi Hanson, the Executive Director for the Oregon Racing Commission regarding the requested records. Ms. Hanson stated that the Commission has not denied your request for records, and that she is in the process of gathering the records responsive to your request. She also indicated that she had spoken to Mr. Carey Thiel, president of Grey2K USA about the requested records. According to Ms. Hanson, Mr. Thiel allowed the Commission an additional two to three weeks to provide the requested records.

Consequently, we cannot say that the time the Commission has taken to respond to your request is unreasonable under the circumstances. In any event, Ms. Hanson informed us that she will be able to mail the requested records to you on or before June 3, 2004. Because you have not been denied access to the records, your petition is premature. We therefore respectfully deny your petition.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

c: Jodi Hanson, Oregon Racing Commission
PDS: AGS14144