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December 7, 2001

Paul Meadowbrook
285 Liberty St. NE
Suite 360
Salem, OR 97301

Re: Petition for Public Records Disclosure Order:
Teachers Standards and Practices Commission

Dear Mr. Meadowbrook:

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 December 3, 2001, asks the Attorney General to direct the Teachers Standards and Practices Commission (TSPC) to make available to you "all Commission records and files concerning the investigation and ultimate November 15, 2001 order suspending Ms. Freed-Elefant's teaching certificate[.]" 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. Any person denied the right to inspect or to receive a copy of a public record may petition the Attorney General to determine whether the record may be withheld from inspection. ORS 192.450(1). The Attorney General may order a state agency to disclose a record only when the agency has denied a request for the record. *See* ORS 192.405(2).

Your request to TSPC is dated November 26, 2001. TSPC Executive Director, Dr. David Myton, has stated that TSPC has not yet responded to your request. Your petition states that you have received none of the requested records from TSPC, but that you spoke last week with Assistant Attorney General Joe McKeever, who told you "that he had the request and that most materials were disclosable[.]" According to AAG McKeever, he is advising TSPC with regard to responding to your petition and, in that capacity, spoke with you last week to clarify the scope of your request. Neither he nor TSPC intended his conversation with you to constitute a denial of your request. We find no basis to determine that TSPC denied your request through your conversation with AAG McKeever.

The Public Records Law clearly contemplates that agencies have the opportunity to review the requested records, including consultation with legal counsel, and to act on the request before the Attorney General or the courts can review the matter. ***Morse Bros. v. ODED***, 103 Or App 619, 798 P2d 719 (1990). Moreover, agencies have a "reasonable" time to respond to a records request. What is "reasonable" will depend upon many factors, including the difficulty in determining whether the records are exempt from disclosure. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETING MANUAL (1999) at 8. In light of the fact that you submitted your request less than two weeks ago, filed your petition one week thereafter, and TSPC is working with counsel in an effort to respond to your request, we conclude that TSPC has not denied your request. Accordingly, we deny your petition as premature.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS09126
c: Dr. David Myton, TSPC