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DEPARTMENT OF JUSTICE

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September 29, 2009

William King, President
Bill's Automotive Repair, Inc.
37350 Ruben Lane
Sandy, OR 97055

Re: Petition for Public Records Disclosure Order:
Oregon Department of Transportation Records

Dear Mr. King:

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 September 22, 2009, asks the Attorney General to order the Oregon Department of Transportation (ODOT) and its employees to make available for inspection, or to produce copies of, any and all records and/or reports pertaining to the slide of Highway 26 in Sandy, Oregon on January 2, 2009, which were used in determining the cause of the slide and the resulting denial of tort claim notice #L39244. For the reason that follows, 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 state agency denies a request for disclosure of records, the requestor may petition the Attorney General for review of denial. However, the Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. *See* ORS 192.450(1).

Your petition dated September 20, 2009, states that you had not received any of the requested records from ODOT. We have received a copy of an email sent to you by Penny Repine, ODOT Risk Coordinator, on September 23, 2009. Ms. Repine's email attached the requested records. Because ODOT has disclosed the requested records to you, we deny your petition as moot.

Sincerely,

Mary H Williams

MARY H. WILLIAMS
Deputy Attorney General

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c: Penny Repine, Risk Coordinator, ODOT