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July 14, 2009

SENT VIA EMAIL

William T. Harbaugh
538 PLC
1285 University of Oregon
Eugene, OR 97403-1285
(wtharbaugh@gmail.com)

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

Dear Dr. Harbaugh:

This letter is the Attorney General's response to your petition for disclosure of records under the Oregon Public Records Law. In your petition, which we received on July 7, 2009, you asked for "unredacted copies of all documents collected or prepared during [the Department of Justice's] investigation of [your] allegations that Oregon Special Assistant Attorney General Melinda Grier made misleading and knowingly false statements to the USDOJ Civil Rights Division during their investigation of UO's 'Under-Represented Minority Recruitment Plan' or 'UMRP.'" You also renewed your request that the Department of Justice ("the Department") waive the fee to produce these records. Your petition effectively asked the Department to review its own response to your public records request.

The Department's original response to your request for public records did not deny your request to disclose records. Rather, the Department agreed to disclose records after separation of records into exempt and nonexempt classes, and after making redactions permitted by the Public Records Law. ORS 192.423. The Department is entitled to recover the cost of producing the records that you requested. ORS 192.440; OAR 137-008-0010. The Department agreed to waive 25 per cent of the cost, which we determined was more than reasonable.

The response to your public records request and the decision not to waive more than 25 percent of the applicable fee were both made by Department personnel designated by the Attorney General to handle the underlying matter. Those personnel also exercise delegated authority with respect to the Attorney General's responsibility to issue orders in response to

public records petitions under ORS 192.450. In other words, the public records request process and the public records petition process were effectively joined.

Sincerely,

DAVID E. LEITH
Associate Attorney General

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