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DEPARTMENT OF JUSTICE

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August 30, 2007

Mr. Robert W. Spooner, Publisher
Oregon Coast Magazine
4969 Hwy 101 #2
Florence, OR 97439

Re: Petition for Public Records Disclosure Order
Oregon Tourism Commission

Dear Mr. Spooner:

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. We received your petition dated August 22, 2007 on August 23, 2007. The petition asks the Attorney General to direct the Oregon Tourism Commission (Commission) to make available:

> The proposal made by Mediamerica on or before June 22, 2007 in response to the Commission's Request for Proposal (RFP) concerning a new destination guide for Oregon and any subsequent proposal made by Mediamerica to that RFP.

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. A custodian of public records must provide "proper and reasonable opportunities for inspection and examination." *See* ORS 192.430. Correspondingly, the custodian is allowed a "reasonable" time to respond to a request for records.

Your request was made to Todd Davidson, Executive Director of the Commission, by email on August 14, 2007. Mr. Davidson responded to you by email on August 14 that the request was being reviewed by the Commission's counsel to determine whether portions of the requested records would be exempt from disclosure. After that initial response, there was no

further communication from Mr. Davidson, and you deemed this silence to be a rejection of your request.

Mr. Davidson's response to your August 14 public records request was that your request was being reviewed by the Commission's counsel. We conclude that any delay to-date in getting back to you regarding the outcome of that review is reasonable and cannot be construed to be a "de facto rejection." We therefore conclude that there has been no denial of your request and that as a result this office lacks authority to order disclosure. ORS 192.450(1). Thus, we respectfully deny your petition to compel disclose as premature.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS20214
c: Todd Davidson, Travel Oregon