HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400
TTY: (503) 378-5938

August 17, 2007

Roger Clegg
President and General Counsel
Center for Equal Opportunity
7700 Leesburg Pike, Suite 231
Falls Church, VA 22043

Re: Petition for Public Records Disclosure Order
University of Oregon Records

Dear Mr. Clegg:

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 on August 10, 2007. The petition asks the Attorney General to direct the University of Oregon (UO) to make available:

1) Copies of the draft "Diversity Action Plans" prepared by various University of Oregon departments and colleges and submitted to the Diversity Action Committee;
2) The Diversity Action Plan reviewers' independent written reviews of these plans;
3) The Diversity Action Committee discussion comments that were summarized in written form, which are mentioned on the OIED website; and
4) A list of names and contact information for the members of the Diversity Action Committee.

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

In your request to General Counsel Melinda Grier and Provost Linda Brady, dated July 12, 2007, you ask the UO to provide you with an estimate of costs to comply with your request prior to incurring any costs. In fact, ORS 192.430(3)(c) requires UO to provide any requestor with written notification of the estimated amount of any fee in excess of $25 and the requestor must confirm that he wants UO to proceed with making the public records available.

Senior Assistant Attorney General Wendy Robinson spoke with Randy Geller, Deputy General Counsel on August 10, 2007. He stated that a letter setting out the estimate of fees necessary to provide the requested records would be sent to you this week. Ms. Grier has been on vacation during a portion of this period. In order to prepare an estimate of the fees necessary to find and make the records available, UO had to search for and review the requested records. We conclude that the delay between your July 12, 2007 request and UO's letter to you setting out the cost to make the public records available is reasonable. We therefore conclude that there has been no denial of your request. As a result, this office lacks authority to order disclosure. ORS 192.450(1). We respectfully deny your petition to compel disclosure as premature.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS20164
c: Melinda Grier
Linda Brady