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March 9, 2007

Jack D. Hoffman
Dunn Carney Allen Higgins & Tongue, LLP
851 SW Sixth Ave. Ste 1500
Portland, OR 97204-1357

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

Dear Mr. Hoffman:

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. Our office received your petition on March 5, 2007. The petition asks the Attorney General to direct the University of Oregon to make available the following:

1. "For the year 2004, and for the year 2005, I would like to be provided e-mails or correspondence to or from the following people: John Moseley, Dan Williams, David Frohnmayer, Allan Price and Bill Moos regarding 'the Villard Building,' 'the Arena Project,' 'University of Oregon Arena Project,' or 'the U of O Arena Project.'"

2. "Any and all records relating to the architectural studio class [taught] in the Fall 2004 term by Michael Utsey, Professor Emeritus."

3. "All records from the University of Oregon Planning Office for the years 2004, 2005, 2006 and 2007 regarding 'the Villard Building,' 'the Arena Project,' 'University of Oregon Arena Project,' or the 'U of O Arena Project.'"

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 person who is denied the right to inspect a public record may petition the Attorney General to review the agency's decision. *See* ORS 192.450. 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.

Attached to your request is a letter dated February 1, 2007, addressed to Melinda Grier, the University's General Counsel, requesting disclosure of the aforementioned information. We spoke with Ms. Grier, and she has informed our office that she has not yet responded to your February 1, 2007, request. Ms. Grier indicated that the breadth of your request requires more time to investigate which, if any, of the records requested may be disclosed. Ms. Grier indicated that she would respond in writing to your request when she has completed this investigation. Given the breadth of your request, we conclude that that the University has not been permitted a reasonable time to consider and respond to your request. *See Morse Bros., Inc. v. ODED*, 103 Or App 619, 622, 798 P2d 719 (1990) ("The Public Records Law clearly contemplates that agencies have the opportunity to review the requested records and to act on the request before the Attorney General or the courts can review the matter."). 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

AGS19408
c: Melinda Grier