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February 16, 2007

Jack D. Hoffman
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Re: Petition for Public Records Disclosure Order
University of Oregon Records

Dear Mr. Hofmann:

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 February 9, 2007,[1] asks the Attorney General to direct the University of Oregon ("UO") to make available the following records:

> For the year 2006, I would like to be provided e-mails or correspondence to or from the following people: John Moseley, Dan Williams, David Frohnmayer, Allan Price, Bill Moos, Jay Clifton regarding the 'Villard Building,' the 'Arena Project,' 'University of Oregon Arena Project,' or 'the University of Oregon Arena Project.'

You also ask for the statute that authorizes redaction of certain information from an e-mail to Allan Price from Carole Daly. We are treating your request as an appeal of the UO's refusal to provide you with a non-redacted copy of the e-mail. For the following reasons, 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. Any person who is

[1] We appreciate your extending the time within which the law would have otherwise obligated us to issue an order to February 16, 2007.

denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450(1). 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)

In your petition you state that all you have received are a few e-mails that in large part are duplicates and that the UO's General Counsel promised the balance of the documents "as soon as possible." You also state that the General Counsel's failure to respond to your January 24 and February 1, 2007 letters constitutes a denial of your clients' right to inspect the requested public records.

Wendy Robinson, Senior Assistant Attorney General, spoke with Melinda Grier in the UO's General Counsel Office. Ms. Grier informed us that she mailed approximately 1" of documents responsive to your request on January 22, 2007. UO has asked all the persons whose records you requested to search their computers and files and print off all the responsive documents. As the General Counsel has received these records, she has reviewed them and sent them on to you. She has another stack of documents that are responsive to your request that will be provided within the next two weeks.

We conclude that given these circumstances the University of Oregon has not denied your public records request. Failure to respond to your January 24 and February 2, 2007 letters is not a denial of your clients' rights to inspect the requested records. As a result, the office lacks authority to order disclosure, and we deny your petition as to the records requested as premature.

Your request also asked for the statute that authorizes redaction of certain information from an e-mail to Allan Price from Carole Daly. Wendy Robinson, AAG, spoke with you on February 16, 2007, to disclose to you of the contents of the redacted information and ask if you wished to receive a non-redacted copy of the e-mail. You informed her that you no longer required the non-redacted copy. Because you withdrew your request for the non-redacted copy, we deny your petition as to the e-mail as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS19301

cc: Melinda Grier, University of Oregon