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May 30, 2006

Reina Hamilton
4793 Manning Drive NE
Salem, OR 97305

Re: Petition for Public Records Disclosure Order:
Department of Education Records
DOJ File No. 581-090-GA0057-06

Dear Ms. Hamilton:

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 May 12, 2006[1], requests the Attorney General's assistance in obtaining records pertaining to employment references given by your former employer, Salem-Keizer School District given to the Oregon Department of Education in response to your application for a Teaching Assistant position at the Oregon School for the Blind. You state that you requested copies of the references both by phone and in writing and were denied both times.

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. If a public record contains exempts and nonexempt material, the public body must separate the materials and make the nonexempt material available for examination if it is "reasonably possible" to do so while preserving the confidentiality of the exempt material. *Turner v. Reed*, 22 Or App 177, 186 n 8, 538 P2d 373 (1975). But 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).

We have conferred with Mark Hunt Director of Employee Services regarding your request. He has informed us that the agency will provide you with the records you request by faxing them to you on or before Friday, June 2, 2006 in accordance with your request to receive them promptly.

[1] We appreciate your extending the time within which the law would have otherwise obligated us to respond.

Because the agency has agreed to provide access to the records, we respectfully deny your petition as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS17439
c: Mark Hunt, Director of Employee Services