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July 6, 2006

William T. Harbaugh
Department of Economics
University of Oregon
Eugene, OR 97403-1285

Re: Petition for Public Records Disclosure Order
University of Oregon

Dear ~~Mr.~~ Professor Harbaugh:

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 June 29, 2006. The petition asks the Attorney General to direct the University of Oregon to make available "a copy or copies of the following records: University of Oregon Affirmative Action Plans in effect for the years 1990 until 2004." We understand that you have already received a copy of the 2004 plan.

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. ORS 192.420. A custodian of public records must provide "proper and reasonable opportunities for inspection and examination." ORS 192.430. A state agency is entitled to prepayment of the cost of producing the records. ORS 192.440(3). If a state agency denies a request for disclosure of records, the requestor may petition the Attorney General for review of the denial. However, the Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. ORS 192.450(1).

Your petition states that you have not received the requested records or a cost estimate that the University expected to issue toward the end of June. We have since received a copy of a letter dated July 5, 2006, that includes a cost estimate provided to you by Melinda W. Grier, General Counsel for the University. In the letter, Ms. Grier agrees to provide the documents that you have requested, subject only to you prepaying the cost of producing them. You have since indicated that you do not need copies of any

supporting documentation or appendices which may include personally identifiable information. We have been unable to talk with Ms. Grier, but we assume that the cost estimate will be reduced as a result. Because the University has not refused to produce the records, we deny your petition as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

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