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November 20, 2006

Mr. Deryl K. Nielsen
Deryl K. Nielsen, P.C.
P.O. Box 5944
Salem, Oregon 97304

Re: Petition for Reconsideration of Public Records Disclosure Order:
Oregon Commission for the Blind Records

Dear Mr. Nielsen:

This letter is the Attorney General's order on your petition for reconsideration of the Public Records Order dated October 23, 2006 under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition asks the Attorney General to order the Commission for the Blind ("OCB") and its employees to make available for inspection, or to produce copies of records previously requested in your petition received on October 17, 2006. That petition requested copies of income surveys for the Marion County and Salem Lottery vending routes, together with "any related notes or documents, however maintained" prepared during specified time periods. Our October 23 order denied that petition as moot on grounds that OCB had informed us that they had disclosed to you the records responsive to you public record request. For the reason that follows, we respectfully deny your petition for reconsideration.

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 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. *See* ORS 192.450(1).

Your original petition sought disclosure of:

1. Income Survey for the Marion County Vending Route, including the Safety Academy on Aumsville Highway, and any related notes or documents, however maintained, prepared on or about May 2006; and

2. Income Survey for the Salem Lottery, including the "new" espresso cart, and any related notes or documents, however maintained, prepared on or about October – November 2005.

We spoke with Mr. Ray Milojevich, the Director of the Business Enterprise Program, about your petition. He told us that in response to your petition received on October 17, 2006, the OCB sent you records of vacancy announcements that were responsive to this request. Your petition for reconsideration dated November 10, 2006 states that you received "only a partial and incomplete response" from the OCB to your public records petition. You maintain that the first category of records should be construed as extending to "[o]ther Salem area vending" that might ultimately be assigned as part of the Marion County route, and that the second be construed as comprising additional vending that might eventually be assigned to the Lottery route. For the following reasons, it is not necessary for us to determine whether OCB should have interpreted your original request as you suggest.

Mr. Milojevich has informed us that you submitted another public records request on October 26, 2006 for additional records concerning financial information regarding other Salem area vending locations referenced in the vacancy announcements previously provided by OCB. The records OCB sent you on October 27, 2006 in response to this follow-up request included also the records sought in your petition for reconsideration pertaining to the Lottery route.

Mr. Milojevich states that the records provided by OCB described above are all of the records in OCB's custody responsive to your original petition and to this petition for reconsideration. Because OCB has disclosed the requested records, we deny your petition as moot.

Sincerely,

Peter D. Shepherd

PETER D. SHEPHERD
Deputy Attorney General

cc: Ray Milojevich, Director, OCB Business Enterprise Program