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November 23, 2005

Mr. John Canzano, Sports Columnist
The Oregonian
1320 SW Broadway
Portland, OR 97201

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

Dear Mr. Canzano:

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 November 18, 2005, asks the Attorney General to direct the University of Oregon to make available:

> Documentation of any and all reimbursements made by Ernie Kent to the University of Oregon, the athletic department, or the basketball program between the dates of Jan. 1, 2005 and July 26, 2005.

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 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. Failure to meet a timeline set by a requestor is not a denial entitling the requestor to petition for release of the records. *See* ORS 192.450(1); *Morse Bros., Inc. v. ODED*, 103 Or App 619, 798 P2d 719 (1990).

According to your petition, you made your initial request for the public records respecting travel reimbursement requests on July 26, 2005, in an email to University of Oregon General Counsel Melinda Grier. You note that Ms. Grier acknowledged receiving your request, although you do not say what form that acknowledgement took. You also note that you advised Ms. Grier that if you did not receive a response from her by October 31, 2005, you would consider your request denied.

We contacted Ms. Grier about your petition. She advised us that it took a great deal of time to receive responses from those people on campus that had the information you requested. She also advised that she had only recently received that information and was preparing a cost estimate which should be provided to you this week. We understand she has provided that cost estimate and notice of partial fee waiver to you on November 21, 2005, along with the information you requested in an additional public records request you forwarded to her on Friday, November 18, 2005.

Ms. Grier has provided you a cost estimate for responding to your request for public records, and has agreed to prepare the requested records once payment is received. Based on Ms. Grier's actions, we conclude that there has been no denial of your request. As a result, this office lacks authority to order disclosure. ORS 192.450(1). Therefore, we respectfully deny your petition to compel disclosure as premature.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS AGS16474
c: Melinda Grier, University of Oregon General Counsel