HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400
TTY: (503) 378-5938

November 16, 2005

Ms. Meghann M. Cuniff, News Editor
Oregon Daily Emerald
P.O. Box 3159
Eugene, OR 97403

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

Dear Ms. Cuniff:

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.[1] Your petition, which we received November 9, 2005, asks the Attorney General to direct the University of Oregon to make available:

> Travel reimbursement requests for Senior Vice President and Provost John Moseley, Vice President for Academic Affairs Lorraine Davis and former Vice President for Administration Dan Williams since January 1, 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.

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[1] On the same date we received a second petition from you. Your petitions dated November 9, 2005 follow a petition submitted by your associate, Mr. Jared Paben, to us on November 1, 2005. You and Mr. Paben assert that Ms. Grier failed to timely respond to any of the requests. In fact, Ms. Grier responded to all three requests in her letter of November 3, 2005. A copy of her letter is attached as Exhibit A to this order. Our order dated November 15, 2005, addressed to Mr. Paben, contains facts relevant to each of the petitions dated November 9, 2005; that order is attached to this order as Exhibit B. Both exhibits are incorporated by reference herein.

According to your petition, you made your initial request for the public records respecting travel reimbursement requests on June 9, 2005, in a letter to University of Oregon Assistant General Counsel Randy Geller. A September 30, 2005, letter from Ms. Melinda Grier, General Counsel to the University, which you attached to your petition, memorializes your conversation with her to clarify the specifics of your request and promises an estimate will be forthcoming once you have confirmed her restatement of your request. We have no information establishing that you did confirm the restatement of the request.

We contacted Ms. Grier about your petition. She sent a copy of her letter dated Novembr 3, 2005. Exhibit A. In short, Ms. Grier has responded to your request.

Ms. Grier has provided a cost estimate for responding to your request for employment records, has waived a portion of the fees 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

Exhibits:

A. Letter dated November 3, 2005, Grier to Paben & Cuniff.
B. Public Records Order dated November 15, 2005 (Paben)

PDS:AGS16451
c: Melinda Grier, University of Oregon General Counsel