7/5/05 C: ✓ Kelly Carlson
— Steve Wolf
— Dave Hicks

HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

OR

DEPARTMENT OF JUSTICE

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

June 30, 2005

William J. Mills
5250 SW Blueberry Dr.
Corvallis, OR 97333

Re: Petition for Public Records Disclosure Order:
*Oregon State University Records*

Dear Mr. Mills:

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 June 27, 2005, asks the Attorney General to direct Oregon State University (OSU) to make available the following records:

1. How many applicants total responded to OSU Job Announcement No. 05-070?
2. How many that responded were currently employed as an Office Specialist 2?
3. How many that responded received an invitation to interview?
4. How many that were interviewed were already employed at OSU?

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. Any person who is denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450(1). 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 spoke with Jacquelyn Rudolph, Director of Human Resources for OSU, about your petition. Ms. Rudolph told us that she responded to your request by a letter dated June 20th which was mailed to you on June 27th. That letter provides you with the information requested in questions 1 and 3. It also states that OSU will proceed in responding to questions 2 and 4 upon receipt from you of its estimated cost for doing so, $15. Public bodies may establish fees

reasonably calculated to reimburse them for their costs in making records available.[1] ORS 192.440(3). OSU has done so in OAR 576-004-0020.

Through Ms. Rudolph's letter to you, OSU has responded to a portion of your request and has expressed its willingness to complete its response upon receipt of its estimated fee. Because OSU has not denied your request, the Attorney General lacks authority to order disclosure. ORS 192.450(1). For this reason, we deny your request as premature.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

PDS/gvk:AGS15757
cc: Jacquelyn Rudolph, OSU
Caroline Kerl, OSU

[1] Public bodies also have the authority to require prepayment of an estimated fee. *See* ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2004) at 14.