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June 3, 2013

Jerry Brown
4233 SE 182nd Ave., #316
Gresham, OR 97030

Re: Petition for Public Records Disclosure Order
Oregon Department of Human Services
DOJ File No. 100301-GA0044-13

Dear Mr. Brown,

This letter is the Attorney General's order in response to your petition asking our office to direct the Oregon Department of Human Services to disclose certain public records to you. You sought eleven categories of records pertaining to the Providence ElderPlace PACE program. Your petition asserts that DHS has denied your request by unreasonable delay. DHS received your request on April 29, 2013; your petition is dated May 22. We respectfully deny your petition.

The Oregon Public Records Law, ORS 192.410 to 192.505, provides that "[e]very person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505." ORS 192.420(1). And ORS 192.430(1) requires public bodies to "furnish proper and reasonable opportunities for inspection and examination of the records in the office of the custodian." We interpret these statutes to mean that "[t]he public is entitled to inspect nonexempt records as promptly as a public body reasonably can make them available." ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2010) at 11.

In this case, we understand from DHS that it has spent well over 100 hours responding to various requests you have made. We further understand that DHS has sent you a letter explaining that, while DHS does not have records responsive to several of your requests, it will require a significant amount of work to provide you with all of the nonexempt records responsive to your other requests. DHS will require you to pay the fees associated with that effort. Under the circumstances we cannot conclude that DHS has denied your request through inaction. DHS

has expended significant energy responding to your requests and has indicated that it will provide all nonexempt records in its possession that are responsive to your request if you will pay the associated fees. Your petition is respectfully denied.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

MCK:bwl/4300522-v1
c: Bobbi Doan, DHS