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January 15, 2013

Lawrence Saccato
1224 SE Walnut #257
Roseburg, OR 97470

RE: Petition for Public Records Disclosure Order
Oregon Department of Transportation Records
DOJ File No. 734630-GA0004-13

Dear Mr. Saccato:

This letter is the Attorney General's order in response to your petition under the Oregon Public Records Law, ORS 192.410 to 192.505. You ask our office to direct the Oregon Department of Transportation (ODOT) to disclose certain records that you have requested. You attached to your petition a copy of your request, which was made at the end of a two-page letter dated December 10, 2012 referring to administrative matters under ODOT's authority. You effectively assert that ODOT has failed to timely respond to your request, that we should therefore treat your request as constructively denied, and that we should order ODOT to comply with your request.

We have spoken to ODOT staff regarding your request. We are informed that ODOT did not initially recognize that your correspondence included a request for public records, and routed your letter to the ODOT personnel who are handling the administrative matters to which your request relates. We cannot conclude that ODOT has denied your request for records. We observe that, as required by law, ODOT has established a publicly-available procedure for requesting public records. ORS 192.440(7); *see* www.odot.state.or.us/forms/odot/admin731/0489_instr.pdf. That procedure indicates that requests for public records should be sent in one of the following ways:

- E-mail – To submit by e-mail, click the "Submit by E-mail" button on the [ODOT public records] form, or attach the saved form
- to an e-mail addressed to ODOTRecordsRequest@odot.state.or.us.
- Fax – (503) 986-4025

- Postal mail – Send requests to: ODOT Records Officer, 3930 Fairview Industrial Drive SE, MS3, Salem, OR 97302.
- In person – You may bring a completed request form to an ODOT office and request that it be sent to the ODOT Records Officer.

Your request was not made in compliance with this procedure. Although nothing in the Public Records Law precludes requests that do not comply with the procedures established by a public body, we believe that failure to comply with a straightforward procedure like ODOT's invites delay in a public body's response to a public records request.

We cannot conclude that ODOT has denied your request. We must consequently deny your petition. *See* ORS 192.450(1) (permitting petitions to the Attorney General by "any person denied the right to inspect or to receive a copy of any public record of a state agency").

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

MHW:nog/Justice #3918668
c: Ted Paselk, ODOT
Steven Cooley, ODOT