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DEPARTMENT OF JUSTICE
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Salem, Oregon 97301-4096
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November 19, 2010

Ms. Joyce Boles
818 S.W. Third Ave. #66
Portland, OR 97204
rejoyce@spiritone.com

Re: Petition for Public Records Order
Portland State University ("PSU")

Dear Ms. Boles,

On September 22, 2010 this office received your letter dated September 16, 2010. That letter requests the Attorney General to order PSU and its employees to make available "all documents, including emails, with Joyce Boles's (sic) name on them, in the care and custody of the following PSU staff persons: delys@pdx.edu, kochr@pdx.edu, prodgers@pdx.edu, toppem@pdx.edu, and ross@pdx.edu. That is, the documents in the care and custody of the PSU staff who have these email addresses."

Following your petition, PSU agreed to provide you with the records listed in your petition, and waive the fees associated with your request. PSU stated that it would exclude from its response any records previously provided to you in response to an earlier request. You subsequently amended your request to include documents in the possession of Jackie Balzer, PSU's Vice Provost for Student Affairs. On October 29, PSU contacted you to confirm a mailing address to which it could send the documents responsive to your request. You provided confirmation on or before November 2.

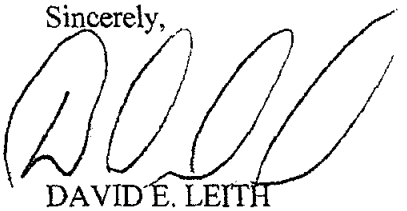
On November 12, after receiving the documents provided by PSU, you sent an email inquiring why no records were provided from the accounts rossa@pdx.edu and kochr@pdx.edu. PSU responded by informing you that no records responsive to your request had been located in those accounts. You have also objected that the records provided from Ms. Balzer were, in your view, incomplete. In correspondence with our office, you stated that PSU had not made any claims of exemption that you wanted to appeal, but that you wanted our office to conduct some kind of investigation into

whether PSU actually possessed records in addition to those it acknowledged in response to your request.

Under ORS 192.450(1), "any person 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 public record*** to determine if it may be withheld from public inspection" (emphasis added). And the Attorney General has only seven days within which to respond to a petition seeking a public records order. In light of the language conferring the right to petition to our office, and the short time frame established by statute, we do not think that the legislature intended for the Attorney General to conduct an investigation into the existence of records.

We express no opinion whether anyone at PSU knowingly destroyed records without authorization or has concealed the existence of records. Resolving such issues is beyond the scope of the petition process. PSU states that it diligently searched for the requested records. We accept PSU's representation that it provided you with all of the nonexempt records in its possession responsive to your request. You have identified no disagreement with any claim of exemption from disclosure asserted by PSU. Under the circumstances, we must respectfully deny your petition.

Sincerely,



DAVID E. LEITH
Associate Attorney General

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c: Darla Collar, PSU