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DEPARTMENT OF JUSTICE

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May 24, 2011

Russell Baldwin
PO Box 1242
Lincoln City, OR 97367

Re: Petition for Public Records Order
Oregon Department of Transportation

Dear Mr. Baldwin:

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. We received your petition on May 17, 2011. Your petition asks that we order the Oregon Department of Transportation (ODOT) to make available records pertaining to certain described real property in Lincoln City, Oregon. For the reasons that follow, we respectfully deny your petition.

Your initial requests were sent to vivian.b.payne@state.or.us. ODOT's Information Technology staff confirms that your initial e-mails were not received by Ms. Payne. Ms. Payne's correct e-mail address is vivian.b.payne@odot.state.or.us. As a result, ODOT's first notice of your request was your letter dated April 26, 2011, and received April 29, 2011. Ms. Payne advised you three business days later, on May 4, 2011, that she had not previously received your requests, and further advised that ODOT would be following its usual processes to fulfill your request. On May 13, 2011, you mailed your petition for disclosure of public records.

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 record custodian must provide "proper and reasonable opportunities for inspection and examination." ORS 192.430. Correspondingly, the custodian is allowed a "reasonable time" to respond to a request for records.

Your request asks for "public information we are informed that you have about wetlands reports, assessments, appraisals, investigations, inventories, data points including without limitation global positioning points (GPS), summaries, and correspondence including without

limitation emails pertaining to [a specified piece of real property]." This request for "public information we are informed that you have" seems both broad and vague. As noted above, ODOT received your request on April 29, 2011. ODOT subsequently attempted to contact your office by telephone to clarify your request; there was no answer and no opportunity to leave a message for you. On May 18, 2011, Jerry Wolcott requested that clarification by e-mail. That was followed by a second e-mail on the same day advising that ODOT was "compiling the cost to gather the records and data" you requested. ODOT further advised that you will be contacted as soon as the estimate has been compiled.

Under the circumstances presented here, we conclude that the delay on your request for records was reasonable. We therefore conclude that there has been no denial of your request. As a result, this office lacks statutory authority to order disclosure. ORS 192.450(1). We respectfully deny your petition to compel disclosure as premature.

Sincerely,

Mary H Williams

MARY H. WILLIAMS
Deputy Attorney General

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c: Vivian Payne, Oregon Department of Transportation