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August 8, 2016

Barry Adamson
PO Box 1251
Wilsonville, OR 97070

Re: Petition for Public Records Disclosure Order
Oregon Housing & Community Services Department
DOJ File No. 914700-GA0104-16

Dear Mr. Adamson:

This letter is the Attorney General's order on your petition for public records disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on August 1, 2016, asks the Attorney General to order the Housing & Community Services Department (OHCS) to produce various records related to the Autumn Park Apartments in Wilsonville.

We respectfully deny your petition because OHCS has not denied your request: it initially misplaced your request, but has now acknowledged receipt and will shortly be providing you with a more substantive response.

The Oregon Public Records Law confers a right to access any public record of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420(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 determine if the record may be withheld. ORS 192.450(1). The Attorney General may order a state agency to disclose records only when the agency has denied the records request. *See id.* However, an agency's failure to produce records within a reasonable amount of time may constitute a constructive denial of the request. *See, e.g.*, Public Records Order, Dec 11, 2008, Harbaugh, at 2.

Your petition shows that you mailed a records request to OHCS on July 5, 2016, but have not yet received a response. We have spoken with Sandy McDonnell, the OHCS administrative services manager. She explained that your request was misplaced, but that since you submitted

your petition she has mailed you a letter acknowledging your request. She added that due to the delay your request will be expedited, and that OHCS will contact you shortly to either provide the requested records or provide an estimate of the cost to gather, review, and produce the records.

Because OHCS did not respond to your records request due to an administrative error, and because it is now promptly working to respond, OHCS has not constructively denied your request. Therefore, we respectfully deny your petition.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:nog/DM7614344
c via email only: Sandy McDonnell, OHCS
Ryan Miller, OHCS