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January 10, 2018

VIA EMAIL ONLY: gavin.1@gmail.com

Gavin McNett
29 South Valley Road
West Orange, NJ 07052

Re: Petition for Public Records Disclosure Order
Oregon Judicial Department
DOJ File No. 198040-GA0001-18

Dear Mr. McNett:

This letter is the Attorney General's order responding to your January 2, 2018, petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition asks the Attorney General to order the Oregon Judicial Department (OJD) to produce various records related to garnishments in Polk County Circuit Court case # 13P2615.

We read your petition as alleging that OJD has constructively denied your records request by not providing the records in a timely manner. We spoke with Lori DePaulis, Assistant Legal Counsel at the Oregon Judicial Department's Office of the State Court Administrator. She explained that, as the exhibits to your petition show, the circuit court sent you the requested challenge to garnishment on August 7, 2017. With respect to the remainder of your petition, Ms. DePaulis explained that the circuit court sent you a cost estimate on August 22, 2017.

Oregon's Public Records Law permits public bodies to "establish fees reasonably calculated to reimburse the public body for the . . . actual cost of making public records available." ORS 192.440(4)(a). While your petition asserts that the court "may not demand extra payment to comply with the law," you have not advanced any argument as to why the court's cost estimate is improper.

Because the court has either provided you with the requested records or provided with a cost estimate, it has not denied your records request and we therefore respectfully deny your petition. *See* ORS 192.450(1) (Attorney General may order a state agency to disclose records only when the agency has denied the records request).

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM8707029
c via email only: Lori DePaulis, OJD