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March 29, 2019

VIA EMAIL ONLY: housekm@fastmail.fm

Kathleen House
P.O. Box 131
Newport, OR 97365

Re: Petition for Public Records Disclosure Order
Oregon Housing and Community Services
DOJ File No. 914001-GA0027-19

Dear Ms. House:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition, which we received on March 22, 2019, asks the Attorney General to order Oregon Housing and Community Services (OHCS) to disclose certain correspondence and complaint information. For the reasons discussed below, we respectfully deny your petition.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). The law is a disclosure law, and exemptions from disclosure must be express. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.411(1). The agency carries the burden to sustain any such denial. *Id.*

Your petition stems from two public records requests you submitted to OHCS. The first request, received by OHCS on February 1, 2019, sought all correspondence relating to an application you made for an apartment. Your second request, received by OHCS on February 19, 2019, sought records of any complaints OHCS received between August 1, 2012 and February 13, 2019 alleging violations of certain housing wait list policies, and actions taken by OHCS to resolve the complaints. Your petition explains that, except for an acknowledgment of your first request, OHCS has not responded to either of your requests.

We contacted Ariel Nelson, OHCS Government Relations and Communications Liaison, who indicated that OHCS emailed its response to both of your requests on March 28, 2019. She explained that OCHS disclosed all correspondence responsive to your first request. Those records included correspondence regarding a wait list complaint filed by you, which were also responsive to your second request to OHCS. Except for your complaint, Ms. Nelson explained that OHCS does not have additional records responsive to your request for wait list complaints.[1]

Because OHCS has completed its response to you and has not otherwise denied any aspect of your request, we respectfully deny your petition as moot. *See* ORS 192.411(1) (in general, the Attorney General may order disclosure only when a records request has been denied).

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM9515941
c: via email only: Ariel Nelson, OHCS

[1] OHCS reports that although it has some compliance oversight responsibilities relevant to your application, it generally does not receive or investigate complaints involving wait lists for apartments.