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July 12, 2019

VIA EMAIL ONLY: boquist@aol.com

Senator Brian Boquist
17080 Butler Hill Road
Dallas, OR 97338

Re: Petition for Public Records Disclosure Order
Oregon Legislative Assembly
DOJ File No.: 156001-GA0108-19

Dear Senator Boquist:

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 July 5, 2019, asks the Attorney General to order various offices of the Oregon Legislative Assembly ("Legislature") to disclose certain records. For the reasons that follow, 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 its actions. ORS 192.411(1).

Your petition explains that on July 1, 2019, you submitted a 16-part public records request to Jessica Knieling, the Legislature's Human Resources Interim Director and Employee Services Manager. Cameron Miles, Staff Attorney in the Office of Legislative Counsel ("LC"), acknowledged your request on July 3, 2019, stating that "Legislative branch staff will search for the records and make an appropriate response as soon as practicable and without unreasonable delay." He also enclosed an initial response to your request prepared by Ms. Knieling, in which she indicated that there are no records responsive to most aspects of your request and explained why. Her initial response also explained that LC would be responsible for handling your overall

request. We understand that you consider Ms. Knieling's response to be a denial of your records request.

We contacted Mr. Cameron regarding your petition. He explained that LC has primary responsibility for managing all public records requests to the Legislature. He indicated that LC is still processing your request and that it has not completed its response to you. He also explained LC's position that Ms. Knieling's initial response did not express any intent to withhold records from you or to otherwise deny any aspect of your request.

On the record before us, we cannot conclude that the Legislature has denied your request. We find that Ms. Knieling's initial response did not expressly deny your request or otherwise reveal any intention to withhold records from you. And because it appears LC has not completed its response to you, we respectfully deny your petition as premature. *See* ORS 192.411 (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/DM9717183
c via email only: Cameron Miles, Office of Legislative Counsel