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December 28, 2020

Rafael Mora Contreras, #18-05511
215 SW Adams MS35
Hillsboro, OR 97123

Re: Petition for Public Records Disclosure Order
Oregon Department of Public Safety Standards & Training
DOJ File No.: 259001-GA0125-20

Dear Mr. Contreras:

This letter responds to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Department of Public Safety Standards & Training (DPSST) to produce "all documents/files . . . regarding the complaints filed against Michael James O'Connell and Edward Joseph Bowman." Your petition, dated December 13 (and received by us on December 22), suggests you had not received a response from DPSST to your records request. For the following reasons, 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 agencies are obligated to respond to records requests "as soon as practicable and without unreasonable delay." ORS 192.329(1). An agency that is unable to complete its response within fifteen business days of receiving a written request is required to provide the requester with a reasonable estimated completion date. ORS 192.329(5).

A requester may petition the Attorney General if they believe an agency has failed to comply with the processing timelines contained in ORS 192.329. ORS 192.407(1). An agency's failure to provide a timely response shall be treated as a denial of the request, unless the agency can demonstrate that compliance was not required under ORS 192.329. ORS 192.407(1)(a). The agency carries the burden to sustain its actions. ORS 192.411(1).

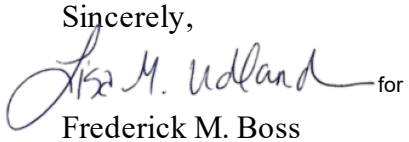
We spoke with Rebecca Hannon, a Files Maintenance Specialist at DPSST. She explained that DPSST received your records request on November 23, and sent you a fee

estimate on December 11. She received payment from you on December 21, and mailed you the responsive records on December 23. After receiving your petition, she realized there are additional responsive records on Mr. O'Connell, which she will send you sometime this week.

DPSST complied with the statutory 15 business-day deadline to complete its response to your request, absent the records that it initially overlooked. DPSST sent you a fee estimate on December 11, which was 12 business days after it received your request. Upon sending the fee estimate, the deadline was suspended. ORS 192.329(3)(a). DPSST then sent you the records on December 23, two business days after it received your payment. The total time to produce the records, excluding the wait to receive your payment, was 14 days. In addition, on this record, we see no basis to conclude that DPSST did not produce the records as soon as practicable and without unreasonable delay.

Because DPSST complied with the statutory deadlines for producing records to you and has agreed to produce the initially overlooked records shortly, we respectfully deny your petition. We note that DPSST may assert that a portion of these additional records are exempt from disclosure under Public Records Law. If you wish to appeal that determination, you may submit a petition to our office.

Sincerely,



for

Frederick M. Boss
Deputy Attorney General

FMB:pjn/
c via email only: Rebecca Hannon, DPSST