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November 24, 2021

VIA E-MAIL ONLY: hissmallvoice@gmail.com

Kimberly Schoene
1750 SW 88th Ave
Portland, OR 97225

Re: Petition for Public Records Disclosure Order
Oregon Judicial Department
DOJ File No.: 198040-GA0161-21

Dear Ms. Schoene:

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 asks the Attorney General to order the 7th District Court in Hood River (the "court") to produce certain records. 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 a written statement that the public body is still processing the request and provide a reasonable estimated completion date. ORS 192.329(5). If an agency has, in good faith, requested additional information or clarification from the requester, the agency's obligation to further complete its response to the request is suspended. ORS 192.329(4)(a). If the requester fails to provide the requested information or clarification within 60 days, the agency shall close the request. ORS 192.329(4)(b).

A requester may seek review by the Attorney General if they believe an agency has failed to comply with the response timelines contained in ORS 192.329. ORS 192.407(1). An agency's failure to provide a timely response required by ORS 192.329 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).

According to your petition, you submitted a records request to the court on June 16, 2021, for all case information about three named individuals from 2016 to present. Your petition asserts that the court denied your request because it never completed its response to you.

In response to your petition, we contacted Tim Lewis, Assistant General Counsel, Oregon Judicial Department. He provided us with a copy of your records request and related correspondence between you and the court supervisor. That correspondence indicates that the court supervisor responded to your request on June 16, 2021, by informing you that the court needed additional information from you in order to process your request, such as case numbers, case types, and full case names. The correspondence also demonstrates that the court supervisor contacted you again on June 23, 2021, and informed you of where you could obtain the additional information the court needed to process your request. According to Mr. Lewis, the court closed your request because you did not provide the requested information within 60 days.

Under the circumstances, we cannot conclude that the court has denied your request. Rather, the court requested additional information from you, which suspended its obligation to process your request. *See* ORS 192.329(4)(a). And because you did not provide the court with the requested information within 60 days, it was required to close your request. *See* ORS 192.329(4)(b). We therefore respectfully deny your petition. You may, of course, resubmit your records request to the court.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn
c via e-mail only: Tim Lewis (OJD)