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DEPARTMENT OF JUSTICE

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January 10, 2022

VIA E-MAIL ONLY: Michael.Pelella@yahoo.com

Re: Petition for Public Records Disclosure Order
Oregon Department of Agriculture
DOJ File No.: 603010-GA0005-22

Dear Mr. Pelella:

This letter is the Attorney General's response to your petition for disclosure, received by us on January 5, 2022, under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Oregon Department of Agriculture (ODA) to disclose certain records. For the following reasons, we respectfully dismiss 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). 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. *See* ORS 192.411(1).

According to the available record, you requested ODA disclose records that contain several specific search terms on December 30, 2021. Based on the search terms you provided the request was forwarded to ODA's Food Safety Program for processing. ODA responded to your request on January 5, 2022, by disclosing two documents and informing you that they were the only records from the Food Safety Program responsive to your request. Thereafter, you replied to ODA by clarifying that your request was not limited to records maintained by the Food Safety Program, expressing your belief that ODA has additional responsive records, and indicating that you would seek an order from the Attorney General compelling their disclosure. ODA responded to your concerns on January 6, 2022, by informing you that it would conduct an agency-wide search for records responsive to your request.

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Because ODA is still processing your request and has not otherwise denied any aspect of your request, we must respectfully dismiss your petition as premature. *See* ORS 192.411(1) (Attorney General's authority is generally limited to evaluating whether a state agency improperly withheld requested records).

Sincerely,

Lisa M. Udland

LISA M. UDLAND
Deputy Attorney General

LMU:pjn/
c via e-mail only: Andrea Cantu-Schomus (ODA)