ELLEN F. ROSENBLUM
ATTORNEY GENERAL

LISA M. UDLAND
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-6002

March 15, 2023

VIA E-MAIL ONLY: ila.farmandag@gmail.com

Rachel Hacker
31 SW Eastern Ave
Grants Pass, OR 97526

Re: Petition for Public Records Disclosure Order
Oregon Housing and Community Services
DOJ File No.: 914500-GA0026-23

Dear Ms. Hacker:

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 states that over the last six months, you have repeatedly asked by telephone and e-mail that the Oregon Housing and Community Services Department (OHCS) disclose certain grant information. Your petition indicates that OHCS informed you that the information you seek is available on its website, but that you have determined that the website is not sufficient. We understand you are seeking an order from the Attorney General compelling OHCS to disclose the requested information to you.

In response to your petition, we contacted Jaci Davis, OHCS Administrative Rules and Legislative Coordinator. She informed us that although you have recently contacted certain OHCS employees, OHCS has no record of receiving a public records request from you within the last two years. OHCS therefore believes your public records petition is premature because it has not denied your request.

An agency's obligation to respond to a public records request is triggered by its receipt of a written request submitted in accordance with the agency's published procedure for making public records requests. *See* ORS 192.324(7) and ORS 192.329(1). Ms. Davis states that OHCS has not received a request from you pursuant to its established public records request procedures (available here: https://www.oregon.gov/ohcs/get-involved/pages/public-records-request.aspx), and we have no reason to second-guess her representation. Under the circumstances, we must

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respectfully dismiss your petition as premature because OHCS has not denied or otherwise failed to timely respond to a request for records. *See* ORS 192.407(1) (Attorney General can consider a petition for failure to provide a timely response only when the requester has complied with the publicly posted procedure for submitting records request).

Sincerely,

Lisa M. Udland

Lisa M. Udland
Deputy Attorney General

ACF:pjn
c via e-mail only: Jaci Davis (OHCS)