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November 3, 2023

VIA E-MAIL ONLY: tgomez1080@gmail.com

Teresa Gomez
159 Pembrook St. SE
Salem, OR 97392

Re: Petition for Public Records Disclosure Order
Oregon State Bar
DOJ File No.: 993001-GA0160-23

Dear Ms. Gomez:

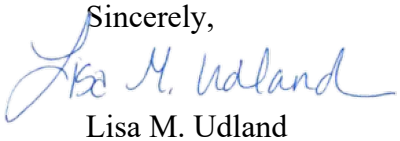
This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition, which we received October 31, 2023, asks the Attorney General to order the Oregon State Bar (OSB) to disclose certain records that you requested on September 7, 2023. We understand your petition to assert that OSB has failed to comply with the processing timeframes found in ORS 192.329. For the reasons that follow, 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). 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 15 business days of receiving a written request is required to provide a written statement that the agency is still processing the request and provide a reasonable estimated completion date. ORS 192.329(5). 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). Finally, an agency may establish fees reasonably calculated to recover actual costs in making public records available, and its obligation to process a request is suspended until the fee has been paid or waived. *See* ORS 192.324(4) and 192.329(3)(a).

We discussed your petition with Nik Chourey, OSB Deputy General Counsel. He indicated that on September 18, 2023, OSB provided you with a cost estimate to process your request and informed you that OSB estimated completing its response within 30 business days of receiving payment. He explained that OSB acknowledged receipt of payment on September 21st and informed you again that it estimated completing its response within 30 business days, which would be approximately November 2, 2023. Finally, Mr. Chourey informed us that OSB completed its response to your request on November 1, 2023.

On this record, we have no basis for concluding that OSB failed to comply with any of the applicable processing timeframes. And because the OSB has completed its response to your request, we respectfully dismiss your petition as moot.

Sincerely,



Lisa M. Udland
Deputy Attorney General

ACF/
c via e-mail only: Nik Chourey (OSB)