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May 25, 2024

VIA E-MAIL ONLY: pcashman20@gmail.com

Patrick Cashman
3024 SW Iowa St
Portland, OR 97239

Re: Petition for Public Records Disclosure Order
Multnomah County Circuit Court, Oregon Judicial Department
DOJ File No.: 198040-GA0053-24

Dear Mr. Cashman:

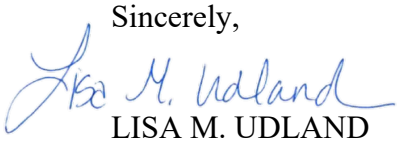
This letter is the Attorney General's response to four petitions filed by you for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petitions ask the Attorney General to order the Multnomah County Circuity Court (the "Court") to disclose all e-mails to or from a particular employee over a four-day period. We understand your petitions to be alleging that the Court has failed to comply with the processing timeframes contained in ORS 192.329. For the reasons that follow, we respectfully deny your petitions.

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 public body 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 have discussed your petitions with Tim Lewis, Senior Assistant General Counsel for the Oregon Judicial Department. He informed us that the Court received your four requests on April 22, 2024, which then triggered the applicable response timelines. He explained that the Court responded to you on May 1, 2024 – which was within 15 business days of receiving your requests – by e-mailing fee estimates to you for the cost of processing each of the requests. Mr. Lewis also explained the Court's position that its obligation to process any of your requests is currently suspended because it has not received any payments from you.

We have reviewed the fee estimates sent to you on May 1, 2024. They demonstrate that the Court did not fail to respond within the statutory timeframes and that the Court's obligation to process your requests is currently suspended pending receipt of payment. 192.329(3)(a). It follows that ORS 192.407(1)(a) does not compel us to treat the Court's failure to complete its response by the date of your petitions as a denial of your requests. And on this record, we have no basis for concluding that the Court has otherwise failed to respond to your requests "as soon as practicable and without unreasonable delay." ORS 192.329. We therefore respectfully deny your petitions.

Sincerely,



LISA M. UDLAND
Deputy Attorney General

ACF:pjn
c via e-mail only: Tim Lewis (Oregon Judicial Department)