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October 20, 2025

VIA E-MAIL ONLY: neilwhitacre@bsabin.com

Neil Whitacre
102 SE 73rd Ave.
Portland, OR 97215

Re: Petition for Public Records Disclosure Order
Margaret (Maggie) Harris (Oregon Housing Stability Council)
DOJ File No.: 914001 GA0140-25

Dear Mr. Whitacre:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.431. Your petition, received October 13, 2025, seeks the Attorney General's assistance in obtaining a response to a records request you sent to Maggie Harris, an appointed member of the Oregon Housing Stability Council (the "Council"). Because Oregon Housing and Community Services (OHCS) is the proper custodian for this request, 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). Upon receipt of a written public records request by an individual identified in a public body's published procedure for submitting requests, the public body is obligated to respond to the request as soon as practicable and without unreasonable delay. ORS 192.329(1). A requester may petition the Attorney General if they believe an agency has failed to comply with the processing timelines contained in ORS 192.329. ORS 192.407(1). The agency carries the burden of sustaining its actions. ORS 192.411(1).

Your petition indicates that "Maggie Harris uses her personal work email * * * to conduct State business from her position" on the Oregon Housing Stability Council. You indicate that because Ms. Harris uses a personal email you "have been unable to obtain her public record emails related to her work on this [C]ouncil via the normal channel of OHCS public records." Therefore, you requested records related to Ms. Harris's work on the Council directly from Ms. Harris. Your petition states that Ms. Harris did not respond to your email.

The Oregon Housing Stability Council consists of nine members appointed by the Governor. ORS 456.567(1). The Council conducts public business by acting as an advisory body for OHCS and overseeing certain aspects of its work. ORS 456.571. A "public record" includes "any writing that contains information relating to the conduct of the public's business * * *." ORS 192.311(5)(a). Thus, records of the Council, including emails sent by individual Council members relating to Council business, would be public records, regardless of what email account they are sent from.

After receiving a written request for public records, "a public body that is the custodian of any public record" is obligated to respond. ORS 192.324(1). A "custodian" means "a public body mandated, directly or indirectly, to create, maintain, care for or control a public record." ORS 192.311(2). OHCS is mandated to "provide clerical and other necessary support services to the [C]ouncil." ORS 456.567(5). OHCS and all state agencies are required to adopt policies concerning records retention that must be approved by the State Archivist. ORS 192.018(2). Pursuant to its records retention schedule approved by the State Archivist, OHCS is required to maintain Oregon Housing Stability Council "member records" for a period of 5 years after the member's term ends.[1]

Because OHCS is the public body mandated to retain the records of the individual members of the Oregon Housing Stability Council, we conclude that OHCS would be the proper custodian of any public records created by Ms. Harris in her capacity as a Council member. For this reason, we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Interim Deputy Attorney General

DEP:pjn
c via e-mail only: Janelle Saveedra (OHCS)
Margaret Harris

[1] Oregon Secretary of State, *Oregon Housing and Community Services Special Records Retention Schedule 2019-0006*, available at Oregon Housing and Community Services (accessed Oct 20, 2025)