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November 21, 2025

VIA E-MAIL ONLY: andrew@mulkeylegal.com

Andrew Mulkey
P.O. Box 66562
Portland, OR 97290

Re: Petition for Public Records Disclosure Order
Oregon Employment Department
DOJ File No.: 471090-GA0159-25

Dear Mr. Mulkey:

This letter is the Attorney General's response to your November 13, 2025, petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition indicates that your client did not receive a final response to a public records request submitted to the Oregon Employment Department (OED). Your petition therefore asks the Attorney General to order OED to respond to the request, waive fees, and pay a $200 fine.

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 an agency's published procedures for submitting requests, the agency is obligated to respond to the request "as soon as practicable and without unreasonable delay." ORS 192.329(1). An agency that is unable to complete its response within fifteen business days of receiving a written request is required to provide the requester with a reasonable estimated completion date. ORS 192.329(5). 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 states that your client submitted his request to OED on October 7, 2025. You explain that OED acknowledged receipt of your client's request but then failed to provide any further response.

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We contacted OED about your petition. OED acknowledged that it failed to respond to your client's request within fifteen business days. OED explained that it has attempted to remedy this oversight by providing your client with the requested records on an expedited basis. OED provided us with an email sent to you on November 19, 2025. The email indicates that OED has now provided you with several categories of records responsive to your client's request. In the email, OED indicated that it anticipates providing your client with all remaining records responsive to your request by December 17, 2025.

From the available record, it appears OED failed to respond to your client's request within statutorily prescribed timeframes, and we are required to treat this failure as a denial of your request. ORS 192.407(1)(a). However, OED has now completed most of its response to you, and it has not actually denied any portion of your request. OED has waived fees and provided you with a reasonable estimated completion date. Under these circumstances, we decline to exercise our discretion to order OED to pay a $200 fine. *See* ORS 192.407(3)(a). You are free, of course, to file a new petition with this office in the future if you wish to contest OED's subsequent handling of your records request.

Sincerely,

BENJAMIN GUTMAN
Interim Deputy Attorney General

DEP:pjn
c via e-mail only: James Francis (OED)