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January 6, 2026

VIA E-MAIL ONLY: gracebulger@dwt.com

Grace Bulger
Davis Wright Tremaine LLP
560 SW 10th Ave, Suite 799
Portland, OR 97205

Re: Petition for Public Records Disclosure Order
Oregon Bureau of Labor and Industries
DOJ File No.: 839515 GA0186-25

Dear Ms. Bulger:

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 indicates that the Oregon Bureau of Labor and Industries (BOLI) failed to respond to your public records request within the time period prescribed by ORS 192.329. Your petition asks the Attorney General to order immediate disclosure of the requested records. For the reasons that follow, we grant the petition in part and deny it in part.

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).

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Your petition arises from records requests you submitted to BOLI on October 30, 2024, seeking 20 categories of records related to ongoing litigation between BOLI and your client. BOLI acknowledged the requests and provided an estimated completion date of December 31, 2024. But BOLI did not produce records by that date and did not respond to your follow-up communications sent in January, February, and April 2025. On May 21, 2025, BOLI communicated to you that "similar records have been provided to you through the discovery process" and offered to provide a fee estimate if you still wished to pursue your requests. You confirmed that you did, and you emailed BOLI in June, September, October, and December 2025 requesting the estimate. BOLI did not respond. Your petition followed.

After receiving your petition, BOLI informed you that it had already produced 5,000 pages of responsive records through discovery. BOLI added that it believed "there was less urgency in your public records requests given the parties' attempt at settlement" of the related litigation. It also provided a fee estimate of $4,480 to complete the public records request.

The correspondence between you and BOLI demonstrates that BOLI failed to comply with the response deadlines set forth in ORS 192.329. We are required to treat BOLI's failure as a denial of your request. ORS 192.407(1)(a). And when an agency fails to comply with ORS 193.329, we have discretion to order disclosure of nonexempt material, waiver of fees, or a penalty of $200 to the requester. ORS 192.407(3). You have requested that we order production of the responsive records within seven days. Given the complexity of your request, we decline to order BOLI to immediately produce the records or waive its estimated fee. We do, however, find that BOLI acted with undue delay in responding to your request, and we order BOLI to pay you a penalty of $200. ORS 192.407(3)(b). If BOLI elects not to comply with this order, it has seven days to announce its intention to seek judicial review. *See* ORS 192.407(3) and 192.411(2).

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn:of1
c via e-mail only: Kelsey Dietrick (Oregon Bureau of Labor and Industries)