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April 7, 2026

VIA E-MAIL ONLY: gregoryrobertmckelvey@gmail.com

Gregory McKelvey
7146 SW 176th Ave
Beaverton, OR 97007

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100101-GA0067-26

Dear Mr. McKelvey:

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, dated March 30, 2026, seeks assistance from the Attorney General in obtaining records you requested from the Oregon Department of Human Services (ODHS) on November 14, 2025. For the reasons discussed below, we respectfully grant your petition.

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 explains that you submitted your records request to ODHS nearly five months ago and have not received any records in response. You note that ODHS has extended its production deadline five separate times. You also point out that ODHS fulfilled a similar request from another requester (Kathryn Stevens) in approximately 25 days, and you question why those same records have not been provided to you.

We discussed your petition with Mallory Kenney, the Public Records Unit Manager for ODHS. She explained that your request is significantly broader in scope than the request submitted by Ms. Stevens, and she noted that ODHS cannot simply reproduce records for one requester that were previously provided to another. [1] She also stated that the extensions on your request were necessary due to limited agency resources.[2]

Given the number of requests ODHS is concurrently processing, we do not find it unreasonable that ODHS extended its response beyond fifteen business days. Your request, however, has now been pending for almost five months. During that time, ODHS fulfilled a similar, albeit narrower, request in less than one month. Under these circumstances, we conclude that any further delays would be unreasonable. We grant your petition, and we order ODHS to complete its production by April 29, 2026.[3] If ODHS 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
c via e-mail only: Mallory Kenney (ODHS)

[1] Ms. Kenney stated that given the nature and confidentiality of child welfare records, redactions are completed specific to each request received by the ODHS Public Records Unit. The redactions necessary for child welfare records often depend on the identity of the requestor and, therefore, must be completed on a request-by-request basis.
[2] Ms. Kenney said the ODHS Public Records Unit currently has 2,746 active requests in its queue, including a backlog of 2,270.
[3] ODHS has stated that it anticipates completing its response to your request on April 29, 2026.