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May 4, 2026

VIA E-MAIL ONLY: levi@valorinvestigates.com

Levi Bakke
501 C Ave
La Grande, OR 97850

Re: Petition for Public Records Disclosure Order
Oregon Health Authority
DOJ File No.: 443848-GA0086-26

Dear Mr. Bakke:

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 April 27, 2026, indicates that OHA has not responded to a records request.

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 stems from a multi-part records request sent to OHA on April 5, 2026, seeking records related to an administrative case concerning a specific patient. OHA responded on April 27, 2026, and requested that you provide a HIPAA compliant release of information from the patient. OHA indicated that upon receipt of the release, it would commence work on providing a fee estimate that addresses the entirety of your request.

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Your petition argues that OHA did not acknowledge your request with five business days.[1] Because there is no provision in the Public Records Law that authorizes a person to petition the Attorney General to review a state agency's failure to comply with the acknowledgment and notice provisions of ORS 192.324(2), we must dismiss this aspect of your petition. *See* ORS 192.407(1) and 192.411(1); *see also Attorney General's Public Records and Meeting Manual* at 10 (2024) ("A public body's failure to acknowledge a records request cannot be the grounds for a petition to the Attorney General.").

You also contend that OHA failed to respond to your request within fifteen business days or provide you with an estimated completion date. OHA, however, sought clarification from you within fifteen business days,[2] and OHA is now awaiting receipt of a HIPAA compliant release to complete a fee estimate in response to your request. Public bodies are permitted to request additional information in good faith, which then suspends the agency's obligation to respond until the information is provided. ORS 192.329(4)(a). Based on the record before us, we cannot conclude that OHA has acted unreasonably in responding to your request. For this reason, we respectfully deny your petition. You are free, of course, to file a new petition with this office if you wish to contest OHA's subsequent handling of your records request.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Jeanne Windham (OHA)

[1] Public bodies are required to acknowledge a request within five business days. ORS 192.324(2).
[2] Business days do not include weekends.