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September 3, 2026

VIA E-MAIL ONLY: hanlon@gradiom.io

Umber Hanlon
hanlon@gradiom.io

Re: Petition for Public Records Disclosure Order
Oregon State Board of Architect Examiners
DOJ File No.: 964001-GA0165-26

Dear Ms. Hanlon:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Oregon State Board of Architect Examiners (the "Board") to disclose certain records in a specific electronic format (CSV). Because the records you seek are not public records in the custody of the Board, 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). Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.401 and 192.411(1).

Your petition stems from a request for the Board to produce, in CSV format, directory listings for: candidates currently authorized to sit for the Architect Registration Examination (ARE), Oregon resident candidates enrolled in the Architectural Experience Program (AXP), and all AXP candidates currently reporting hours under the supervision of Oregon-licensed architects.

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The Board explains that it does not hold in its possession any of the requested records. The Board receives reports from the National Council of Architectural Registration Boards (NCARB) once an individual has met the requirements for licensure in Oregon (they have successfully passed the ARE and completed their AXP, regardless of jurisdiction). NCARB transmits these records to the Board at the request of an individual applying for registration in Oregon.

The correspondence between you and the Board shows that the Board attempted to work with both you and NCARB to obtain what you requested. The Board asked NCARB for the file type you requested, and NCARB furnished a list of candidate names, which the Board converted to CSV and sent to you. But the Board was unable to obtain and provide all data fields you had identified.

Your petition argues that the requested records are within the Board's "constructive possession" because NCARB manages data relevant to licensure eligibility. You contend that delegating database hosting and examination tracking to NCARB does not relieve the Board of its disclosure requirements. You argue that the Board should compel NCARB to produce CSV exports of candidate rosters and associated fields.

The Board responds that the requested CSV-formatted records are not public records because they are not prepared, owned, used, or retained by the Board. The Board explains that it registers architects and architectural firms to practice in Oregon. The process for that registration is completed by candidates providing documentation that they have successfully passed the ARE, completed AXP and passed a Jurisprudence exam. If the candidates decide to apply for registration in Oregon, the candidates request that NCARB send their NCARB record to the Board to complete that process. The Board receives the records only after an individual has completed these requirements, not when they have registered to complete them. The Board states that it has no legal, administrative, or policy reason to track those candidates that *might* apply to the Board in the future, only those applicants that actually apply to the Board.

The Board further explains that it does not track, oversee or manage candidates earning experience hours or candidate enrollment in the AXP program administered by NCARB. The Board states that no provision in ORS Chapter 671 requires the Board to do so, nor does any provision extend the Board's authority to architects overseeing experience hours.

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On this record, we conclude that the CSV files you seek are not "public records" in the custody of the Board. Under ORS 192.311(5)(a), a "public record" is any writing containing information related to the conduct of public business that is "prepared, owned, used or retained by a public body." The Board does not have the records, and it has no mechanism to compel a private entity to provide them to you. The Board does not use the specific records you seek (CSV files concerning potential Oregon applicants and AXP candidates currently reporting hours under the supervision of Oregon-licensed architects), and there is no statutory obligation for the Board to maintain such records. Because the records are not prepared, owned, used, or retained by the Board, they are not public records, and the Board has no obligation to provide them. For this reason, we respectfully deny the petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn:of1
c via e-mail only: Jenny Donovan (OSBAE)