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September 30, 2026

VIA E-MAIL ONLY: nicolaufamily3@gmail.com

Matthew Nicolau
nicolaufamily3@gmail.com

Re: Petition for Public Records Disclosure Order
Department of Human Services
DOJ File No.: 100101-GA0186-26

Dear Mr. Nicolau:

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 seeks assistance from the Attorney General in obtaining records you requested from the Oregon Department of Human Services (ODHS). 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 on May 20, 2026, and have not received any records in response. You note that ODHS has extended its production deadline multiple times. You contend that the delay is unreasonable.

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We discussed your petition with Mallory Kenney, the Public Records Unit Manager for ODHS. She stated that the extensions on your request were necessary due to limited agency resources. She explained that the ODHS Public Records Unit works records requests in order of receipt. Ms. Kenney stated that the total number of active requests in the queue is 3,485 with a backlog of 2,955.

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 approximately six months. Under these circumstances, we conclude that any further delays would be unreasonable. We grant your petition, and we order ODHS to complete its response by October 9, 2026. 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)