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THIS IS THE ORIGINAL OF OUR LETTER SENT BY FAX ON 11-15-94

November 15, 1994

VIA FACSIMILE

Paul V. Vaughan
Hershner, Hunter, Moulton, Andrews & Neill
P.O. Box 1475
Eugene, OR 97440

Re: *Public Records Order*
Davidson Industries, Inc. v. Oregon Department of Transportation

In your letter dated November 14, 1994, you suggest that ORS 192.440 requires the custodian of a public record to provide a certified copy of the record "on demand." This office has never interpreted that statute as mandating an immediate response to a request for a public record. Instead, we have routinely interpreted the Public Records Law as permitting public bodies a reasonable time to respond to public record requests. *See* ***Morse Bros., Inc. v. ODED***, 103 Or App 619 (1990) ("Public Records Law clearly contemplates that agencies have the opportunity to review the requested records and to act on the request before the Attorney General or the courts can review the matter."); *see also* ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (1994) at 12; Public Records Order, dated September 6, 1994 (Smith); Public Records Order, dated July 13, 1993 (Larson); Public Records Order, dated October 6, 1992 (Neal).

Accordingly, we decline to reconsider the Public Records Order issued on November 10, 1994, denying your petition as premature.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:jpl/VANGHAN.LTR