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ATTORNEY GENERAL

THOMAS A. BALMER
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DEPARTMENT OF JUSTICE
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December 19, 1994

Daniel Stotter
Attorney at Law
Bahr & Stotter Law Offices
259 East Fifth Street, Suite 200
Eugene, OR 97401

Re: ***Petition for Public Records Disclosure Order: University of Oregon Records***

Dear Mr. Stotter:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on December 15, 1994, asks the Attorney General for an order requiring the University of Oregon to comply with Oregon's public records statute. You also state that you requested the University on November 29, 1994, to disclose copies of records pertaining to a conservation plan for the Amazon Family Housing Complex, and the University has failed to respond to date.

The Attorney General may order a state agency to disclose records only when the agency has first denied a request for such records. ORS 192.450(1). Your petition does not state that the University of Oregon has denied your request.

The Public Records Law allows a reasonable period of time for the custodian of the requested record to review the request and act upon it. Morse Bros., Inc. vs. O.D.E.D., 103 Or App 619 (1990). This includes time for the records custodian to consult with legal counsel about disclosure of documents that appear to be exempt, in whole or in part, from the disclosure requirements of the Public Records Law.

Attorney General's Public Records and Meetings Manual (1993) at 12. As of the date of your petition, such a reasonable period of time had not expired.

For the reasons stated, your petition is denied as premature.[1/]

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:JGM:AV:cro/JGG0AD74
c: Dan Williams, University of Oregon

[1/] The University informs us that it has now responded by informing you that it does not have custody of the records described in your request, but providing you with a copy of other records. If you believe that you have now been denied the right to inspect or to receive a copy of a public record in the custody of the University of Oregon, you may file a new petition under ORS 192.450.