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July 22, 1993

David C. Knowles
Davis Wright Tremaine
2300 First Interstate Tower
1300 SW Fifth Avenue
Portland, Oregon 97201-5682

Re: Request for Public Records Disclosure Order
Office of Alcohol and Drug Abuse Programs

Dear Mr. Knowles:

This is the Attorney General's order on your petition for disclosure filed on behalf of your client Oregon Arena Corporation under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on July 9, 1993[1/], asks the Attorney General to direct the Department of Human Resources, Office of Alcohol and Drug Abuse Programs, to disclose to you a copy of the documents relied upon by Jeffrey N. Kushner, Assistant Director of the Office of Alcohol and Drug Abuse Programs, concerning research performed in major league ballparks regarding the relationship between alcohol sales and intoxication. For the reason that follows, we respectfully deny your petition.

The information you provided in support of your petition indicates that your records request has not been denied. Although an agency must respond to a request for records within a reasonable time, failure to comply with a deadline the requester seeks to impose is not a denial. Attorney General's Public Records and Meetings Manual 10 (1989). We do not find that the delay in responding to your request has been unreasonable.

[1/] We appreciate your agreeing to extend the time within which the law would otherwise have required us to respond to your petition.

Mr. Kushner informs us that the Office will provide copies of the documents containing the research you requested within seven days of this letter.[2/] Accordingly, we respectfully deny your petition as moot.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:LDG:AV:jpl/JAA00D28.W51

cc: Jeff Kushner, Department of Human Resources, Alcohol and Drug Abuse Programs

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[2/] The agency may charge you a fee to reimburse it for its actual cost in making the records available, including photocopy costs. See ORS 192.440(3).