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DEPARTMENT OF JUSTICE
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December 20, 1999

Kelly Clark
O'Donnell, Clark, LLP
Attorneys at Law
1706 NW Glisan St.
PO Box 3495
Portland, OR 97208

Re: *Petition for Public Records Disclosure Order: Oregon Department of Transportation Records*

Dear Mr. Clark:

This letter is the Attorney General's order on your petition[1/] for disclosure of records under the Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on November 8, 1999,[2/] asks the Attorney General to direct the Oregon Department of Transportation (ODOT) to produce copies of the following:

1) All data, worksheets and spreadsheets compiled and used in Mazin Malik's analysis of heavy vehicle tax contribution by weight class produced for ODOT; and

2) Records requested by Tom Hibbard and Dan Negri on behalf of AAA Oregon/Idaho per the exhibit attached to your petition.

Your petition states that AAA Oregon/Idaho had not received a reply from ODOT to its request for these records. On November 15, 1999, you and representatives of AAA Oregon/Idaho met with representatives of ODOT and with Assistant Attorney General Paul A.

[1/] Your petition was filed on behalf of your client, AAA Oregon/Idaho.

[2/] We appreciate your extending the time within which the law would otherwise have required us to issue an order on your petition.

Graham to discuss the public records request. We understand that at the November 15 meeting and in subsequent discussions, ODOT agreed to provide the requested records to you on or before December 22, 1999.

Because ODOT has not denied your request for records, the Attorney General does not have authority to order ODOT to disclose the records to you. *See* ORS 192.450(1). Accordingly, we respectfully deny your petition as premature.

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

AGS03707
c: Mike Marsh, Executive Deputy Director, ODOT
101 Transportation Bldg., Salem, OR 97310