THEODORE R. KULONGOSKI
ATTORNEY GENERAL

THOMAS A. BALMER
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400
TDD: (503) 378-5938

February 12, 1996

Donna S. Dimski, DVM, PC
4861 Roseberry Street
Corvallis, OR 97333-1363

Re: ***Petition for Public Records Disclosure Order: Records of Oregon State University College of Veterinary Medicine***

Dear Dr. Dimski:

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 February 6, 1996, asks the Attorney General to direct the Oregon State University College of Veterinary Medicine (CVM) to make available the following records:

1. Current curricula vitae of all CVM faculty and administrators;

2. Salaries of all faculty and administrators in the years 1992, 1994, and currently;

3. The last two accreditation reports on the CVM by the American Veterinary Medical Association;

4. The most recent CRSEES external review on intramural grants (from January 1996);

5. The distribution of all intramural grants in the last three years, including individual grant amounts, principal investigators, title of grant funded, and the last reported budget of expenditures for each grant; and

6. A list of all intramural grant proposals that were not funded in the last three years, including amount requested, principal investigator, and title of proposal.

For the reasons that follow, we respectfully deny your petition.

Caroline Kerl, Legal Advisor to Oregon State University, informs us that CVM has not denied your records request.[1/] Ms. Kerl and CVM administrators are in the process of reviewing CVM's records to determine the extent to which CVM can make available the records you request. Ms. Kerl informs us that CVM will respond to your request as soon as it has made its determination.

It is reasonable for an agency to review its records before responding to a public records disclosure request. Moreover, an agency is not deemed to have denied a request merely because the agency fails to comply with a deadline imposed by the requester. OREGON ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (1995) at 15.

Absent a denial of a records request by a state agency, the Attorney General has no authority to order disclosure. *See* ORS 192.450. Because CVM has not denied your request, your petition to order disclosure is premature. Accordingly, we deny your petition.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel
to the Attorney General

SSB:AV/JGG0D2A4
c: Norman E. Hutton (OSU)
Caroline Kerl (OSU)

[1/] This is consistent with your statement in your petition that as of February 3, 1996, the date of your petition, you had received no response from CVM to your records request, which CVM received on January 22, 1996.