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

September 3, 1996

Maurice Baker
1821 NE 2nd Avenue
Portland, Or 97212

Re: ***Petition for Public Records Order: Oregon Department of Education***

Dear Mr. Baker:

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 August 27, 1996, asks the Attorney General to direct the Oregon Department of Education to produce copies of the following:

1. Oregon Collaboration for Energy, Education and the Environment (OCEEE) Memorandum of Understanding and minutes of meetings and signatures, resulting from a meeting held in Astoria in 1992.

2. Minutes of any subsequent meetings of the OCEEE.

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

The Attorney General may order a state agency to disclose records only if the agency first has denied a request for public records. ORS 192.450(1). Your request for records was directed to State Superintendent Norma Paulus. Deputy State Superintendent Bob Burns informs us that the Department of Education has not denied your request, and that the agency expects to consider your request by September 16.

An agency has a reasonable time to reply to a records request and has not constructively denied the request merely because the agency does not provide access to the records within the timeframe set by the requestor. ATTORNEY GENERAL'S PUBLIC

RECORDS AND MEETINGS MANUAL (1995) at 6-7. Because the Oregon Department of Education has not denied your request, the Attorney General has no authority to order disclosure. Accordingly, your petition is denied as premature.

Sincerely,

THOMAS A. BALMER
Deputy Attorney General

JGM/AV:JGG0E6D1
c: C. Gregory McMurdo, Deputy Superintendent of Public Instruction