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

January 6, 1995

Clark Z. Couch
P.O. Box 23
Ashwood, Oregon 97711

Re: ***Petition for Public Records Disclosure Order: Oregon Department of Fish and Wildlife Records***

Dear Mr. Couch:

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 January 5, 1995, asks the Attorney General to direct the Oregon Department of Fish and Wildlife (ODFW) to make available documents related to ODFW's administrative rules for cervids (OAR chapter 635, division 49) and your cervid operation. For the reasons that follow, we respectfully deny your petition.

Steve Williams, Assistant Chief of the ODFW Wildlife Division, has informed us that ODFW has not denied your records request, but is in the process of reviewing its records. An agency does not deny a request merely because it fails to comply with a deadline set by the requester. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (1993) at 12. Mr. Williams further informs us that ODFW will respond to your records request by January 20, 1995. Since ODFW 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

BJA:AV:dld/JGG0AED1
c: Steve Williams