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March 1, 1995

Owen Brennan Rounds, Publisher
Oregon Commentator
P.O. Box 30128
Eugene, OR 97403

Re: ***Petition for Public Records Order Disclosure: University of Oregon Records***

Dear Mr. Rounds:

This letter is the Attorney General's order in your petition for disclosure of records under the Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on February 28, 1995, asks the Attorney General to order the University of Oregon and its employees to make available for inspection or to produce a copy of minutes of the Panhellenic Tribunal from September 1992 to the present. For the reasons that follow, we respectfully deny your petition as premature and moot.

The Attorney General may order a state agency to disclose records only if the agency first has denied a request for access to such records. ORS 192.450(1), 192.470. The Public Records Law allows a reasonable period of time for the custodian of the requested records to review the request and act upon it. ***Morse Bros. Inc. vs. ODED***, 103 Or App 619 (1990).

Your petition states that you requested the records on February 13, 1995, and you have received no response. A reasonable time for the custodian of the records to review and act upon the request has not passed, and you have not received a written or oral denial of your request. Because you have not been denied access to the records, the Attorney General lacks authority to order disclosure. *See* ORS 192.450(1).

We have been informed by Elaine Green, Associate Dean of Students and Student Affairs at the University of Oregon, that the University will make the requested records available.[1/] Because the University has agreed to provide access to the records you requested, we also deny your petition as moot.

Sincerely,

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:KLK:JGM:AV/JGG0B352
c: Elaine Green, Associate Dean of Students and Student Affairs

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[1/] The Public Records Law authorizes a state agency to charge a fee reasonably calculated to reimburse it for its actual cost in responding to a records request and to require prepayment of those costs. ORS 192.440(3); ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (1993) at 8-9. *See* OAR 580-01-020.