PETITION FOR A PUBLIC RECORDS ORDER: LANDSCAPE CONTRACTORS BOARD

TO	Oregon Department of Justice, Public Records Orders
FROM	Robert Samuel White, P.O. Box 334, Reedsport, Oregon 97467
DATE	November 9, 2026
RE	Petition under ORS 192.411 and ORS 192.407; Landscape Contractors Board; public records request of October 31, 2026

To the Attorney General:

I petition for a Public Records Order under ORS 192.411 and ORS 192.407. The Landscape Contractors Board, a state agency, has answered my public records request of October 31, 2026 with a search that cannot find the records it asks for, and it has not run the search the request describes. Its response is not complete. The burden is on the Landscape Contractors Board to sustain its action [ORS 192.411(1)].

THE PETITION

- **Petitioner:** Robert Samuel White, P.O. Box 334, Reedsport, Oregon 97467, rsw@rswfire.com.
- **Public body:** Landscape Contractors Board, 1500 Liberty St SE, Ste 210, Salem, Oregon 97302.
- **Records:** All communications sent to or received from kyle.kennedy@osp.oregon.gov or osppio@osp.oregon.gov, through any channel the agency uses: emails, Microsoft Teams chat and channel messages, text messages, and voicemail, including attachments and replies, that contain any of the terms “threat assessment”, “situational awareness”, “welfare check”, “knock and talk”, or “grievance”, from January 1, 2023, to the date of search, with the records of the search conducted to answer it. The request excludes any record concerning me.[1]
- **Requested:** October 31, 2026, at 4:14 PM, by email to LCB.INFO@lcb.oregon.gov.[1]
- **Denied by:** Annie von Domitz, Agency Director and Board Administrator, Landscape Contractors Board.[3] [5]

THE SEARCH CANNOT FIND THE RECORDS REQUESTED

The request is one search: two addresses, five terms, and one date range, through every channel the board uses, with the records of the search.[1]

On November 2, 2026, the Landscape Contractors Board acknowledged it: “This will take the agency a few days to review and determine if we have the information you are requesting.”[2]

On November 9, 2026, at 7:39 AM, it sent the records of its search and wrote: “We do not have any records that are responsive to your main request.” It wrote: “We have granted your request for a fee wavier and now consider this request completed.”[3] Its search ran this query:[3]

> *(((Kind=email) OR (Kind=im) OR (Kind=meetings) OR (Kind=microsoftteams))) AND (((From:kyle.kennedy@osp.oregon.gov) OR (From:osppio@osp.oregon.gov))) AND (((To:kyle.kennedy@osp.oregon.gov) OR (To:osppio@osp.oregon.gov))) AND (Date=2023-01-01..2026-10-31)*

The query joins the senders and the recipients with AND. A message matches only if one of the two Oregon State Police accounts sent it and one of them received it: a message between the two accounts. A message from either account to the board, or from the board to either account, cannot match. My request asks for every communication "sent to or received from either of these Oregon State Police accounts."[1]

The query also stops on October 31, 2026. My request runs "to the date of search,"[1] and the search ran on November 6, 2026.[3] The query searches email, chat, meetings, and Teams. My request also names text messages and voicemail.[1]

At 12:05 PM that day, I wrote this to the board and asked it to run the search my request describes.[4] At 12:29 PM, it answered:

> *We have not received any new responsive records since October 31, 2026. There are no other records to send to you. We have fulfilled your request.*[5]

It did not run the search. My request runs from January 1, 2023.[1]

A public body "shall complete its response to a written public records request" "as soon as practicable and without unreasonable delay" [ORS 192.329(1)]. Its response is complete when it "Provides access to or copies of all requested records within the possession or custody of the public body that the public body does not assert are exempt from public disclosure" [ORS 192.329(2)(a)]. A search that cannot find a message between the board and either account cannot show that the board holds none. The Landscape Contractors Board has not completed its response [ORS 192.407(1)(c)].

Other public bodies' searches found messages with the two accounts. The Employment Department's IT department collected about 25 to 30 communications with the two accounts.[20] The Water Resources Department found Teams messages "captured from weekly meetings between numerous state agencies (which included one of the referenced email addresses)."[6] Oregon Housing and Community Services searched with Microsoft Purview eDiscovery and produced seventeen Teams messages.[9] The board's query finds a message only when one of the two accounts is at both ends of it.

THE PUBLIC BODIES THAT COMPLIED

This request went to every public body on the record. The requests of October 27, 2026 asked for email; the requests of October 31, 2026 asked for every channel, with the records of the search. These public bodies have answered, and I have accepted their answers. None of them asked for a fee.

Records produced:

- **Department of Fish and Wildlife,** November 6, 2026: it produced six Oregon State Police weekly reports addressed to Captain Kyle Kennedy.[7]
- **Department of Energy,** November 4, 2026: it produced the emails it found, and wrote the next day: "There were only four emails responsive to the request."[8] [10]
- **Oregon Housing and Community Services,** November 3, 2026: it searched with Microsoft Purview eDiscovery and produced seventeen Teams messages, with the reports of its search.[9]
- **Department of Veterans' Affairs,** November 5, 2026: it produced the records it found by email, with the reports of its search.[11]

No records, on a search:

- **Columbia River Gorge Commission,** October 29, 2026: "the search returned 0 results."[12]

- **Department of Revenue,** October 29, 2026: "we were unable to locate any records responsive to your request."[13]
- **Oregon Department of Education,** October 29, 2026: "We ran a search and have determined that we do not possess the requested records."[14]
- **Department of Consumer and Business Services,** October 30, 2026: its Windows Administrator searched its emails and attachments: "We were unable locate any records responsive to your request."[15]
- **Division of Financial Regulation,** October 30, 2026: answered in the same letter.[15]
- **Building Codes Division,** November 2, 2026: "The response provided on October 30, 2026 encompasses all divisions of the Department of Consumer and Business Services (DCBS)."[16]
- **Oregon Occupational Safety and Health Division,** November 2, 2026: "We do not have any records responsive to your request."[17]
- **Employment Department,** November 2, 2026: its IT department collected about 25 to 30 communications with the two accounts: "None of the emails or Teams messages contained any of those terms."[20]
- **Oregon Film Office,** November 2, 2026: "All staff members have now performed a search on the two email addresses."[18]
- **Northwest Power and Conservation Council,** November 2, 2026: "We have no records that are responsive to your request."[19]
- **Department of Environmental Quality,** November 3, 2026: "I ran an eDiscovery search across all agency mailboxes and there were 0 results."[21]
- **Department of Public Safety Standards and Training,** November 3, 2026: it searched with Microsoft Purview eDiscovery: "no record(s) responsive to your request."[22]
- **Oregon Commission for the Blind,** November 3, 2026: it searched with Microsoft Purview eDiscovery: "Our search did not identify any responsive records."[23]
- **Oregon Board of Naturopathic Medicine,** November 5, 2026: its Executive Director searched its files: it "does not hold / possess any records responsive to your request."[24]

THE FEE WAIVER

My request made a complete fee waiver request.[1] The Landscape Contractors Board granted it: "We have granted your request for a fee wavier."[3]

THE PUBLIC INTEREST

The identified interest is whether a member of the public can write to a state agency without being sent to the police. The Government and Media Relations section of the Oregon State Police is its press office. The records requested show whether the Landscape Contractors Board writes to it about members of the public, and what about.

No public record shows how often state agencies write to that office about a member of the public, or what follows. In one case the State's own production shows it. A state agency forwarded a citizen's public archive to the captain of that section. It alleged no crime and no threat. The captain ordered detectives to conduct a "threat assessment." They investigated for three weeks. Then three men drove sixty-eight minutes to conduct a "knock and talk" at the citizen's door, to tell him he was "not in trouble."[25] A member of the

public who writes to a state agency is speaking and petitioning the government, under Article I, sections 8 and 26 of the Oregon Constitution and the First Amendment to the United States Constitution. A referral of that person to the police concerns the use of police power against that speech and petition, and compliance with ORS 181A.250.

The interest does not end at the referral. A person sent to the police has one way to learn what was written: to write to the State again, this time for the records. What that person meets is on the record: a form is required, a fee instead of the records, the search is not run, the email is called someone else's. A search that cannot find the messages is one more of those answers.

RELIEF REQUESTED

I ask the Attorney General to order the Landscape Contractors Board to:

1. Sustain its action: show that the search it ran could find the records my request asks for [ORS 192.411(1)].
2. Run the search across every account of the Landscape Contractors Board, through every channel it uses, for every message sent to or received from either account, from January 1, 2023, to the date of search, that contains any of the five terms, and produce the records and the records of that search within seven days [ORS 192.411(1); ORS 192.407(3)(a)].
3. Pay the penalty of $200 for failing to respond to the request [ORS 192.407(3)(b)].

Every record of this request, and this petition, is published at openrecordsoregon.org. The order will be published beside them.

Respectfully,

Robert Samuel White
rswfire.com
openrecordsoregon.org
autonomyrealms.com

Sources

1. My request, October 31, 2026
2. The Landscape Contractors Board's acknowledgment, November 2, 2026
3. The Landscape Contractors Board's letter and the records of its search, November 9, 2026, 7:39 AM
4. My letter, November 9, 2026, 12:05 PM
5. The Landscape Contractors Board's letter, November 9, 2026, 12:29 PM
6. The Water Resources Department's production, November 5, 2026
7. The Department of Fish and Wildlife's production, November 6, 2026
8. The Department of Energy's production, November 4, 2026
9. The production, Oregon Housing and Community Services, November 3, 2026
10. The Department of Energy's letter, November 5, 2026
11. The Department of Veterans' Affairs' line on the record
12. The Columbia River Gorge Commission's letter, October 29, 2026
13. The Department of Revenue's letter, October 29, 2026

14. The Oregon Department of Education's letter, October 29, 2026
15. The Department of Consumer and Business Services' letter, October 30, 2026
16. The Building Codes Division's letter, November 2, 2026
17. The Oregon Occupational Safety and Health Division's letter, November 2, 2026
18. The Oregon Film Office's letter, November 2, 2026
19. The Northwest Power and Conservation Council's letter, November 2, 2026
20. The Employment Department's letter, November 2, 2026
21. The Department of Environmental Quality's letter, November 3, 2026
22. The Department of Public Safety Standards and Training's letter, November 3, 2026
23. The Oregon Commission for the Blind's letter, November 3, 2026
24. The Oregon Board of Naturopathic Medicine's letter, November 5, 2026
25. The Oregon State Police production, PR27478