



MIKE SCHMIDT, District Attorney for Multnomah County

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February 1, 2022

Alan Kessler
805 S.W. Broadway, Suite 1580
Portland, Oregon 97205

Re: Petition of Alan Kessler seeking records from the Portland Police Bureau

Dear Mr. Kessler:

You submitted a public records petition on January 24, 2022 asking that my office order the Portland Police Bureau (PPB) to respond to a public records request that you had made on December 15, 2021. After you submitted your appeal PPB pulled your request to the front of its queue, granted a partial fee waiver (which you paid), and provided you with the records you sought.

Where, as here, the public body has provided the records at issue between the time of the filing of a petition and our order, we have historically dismissed such petitions (or the portions of them relating to the disclosed record) as moot. See, for example, *Petition of van der Voo*, MCDA PRO 15-12 (2015); *Petition of Kerensa*, MCDA PRO 19-20 (2019); *Petition of Barnes*, MCDA PRO 17-03 (2017); *Petition of Kessler*, MCDA PRO 19-56 (2019). The length of time at issue here is not so egregious, given all presently existing circumstances, as to warrant further consideration of discretionary remedial sanctions under ORS 192.407.

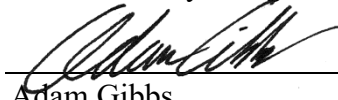
ORDER

Accordingly, the petition is denied.

Regards,

MIKE SCHMIDT
District Attorney
Multnomah County, Oregon

By: _____


Adam Gibbs
Sr. Deputy District Attorney

Cc: Fallon Niedrist, Deputy City Attorney

22-05