



MIKE SCHMIDT, District Attorney for Multnomah County

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December 8, 2022

Maureen Wright
maureen.wright.work@gmail.com

Re: Petition seeking records from Portland Community College

Dear Ms. Wright:

On November 14, 2022 you filed a petition with this office under the public records law seeking an order compelling Portland Community College (PCC) to provide different records responsive to your request for: “‘Brandy Walton’ notification of her annual assignments for AY 2021-2022 (the [previous] academic year).” You had submitted this public records request to PCC on January 3, 2022. PCC responded to your request on June 3, 2022 by producing a record containing the information about Brandy Walton’s assignments for the 2021-2022 academic year.

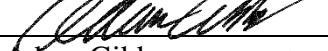
You write in your petition “the College did not deliver the record that I had requested []. Instead, the College fabricated and delivered an unauthorized substitution.” PCC responds by stating that, at the time of your request, it did not possess a record responsive to your request. Instead of closing your request without further action, as permitted by ORS 192.329(2)(d), PCC states that Dean Tanya Batazhan compiled a list of Ms. Walton’s assignments, which PCC then produced to you.

It is well-established that public bodies are not required by the public records law to create new records in response to public records requests, but having done so, and then provided the newly-created record to you, PCC has completed its response to your request. ORS 192.329(2)(a).

Accordingly, the petition is denied.

Regards,

MIKE SCHMIDT
District Attorney
Multnomah County, Oregon

By: 
Adam Gibbs
Sr. Deputy District Attorney

Cc: Melissa Rawlinson, counsel for PCC

22-72