



Nathan Vasquez, Multnomah County District Attorney

1200 SW 1st Avenue, Suite 5200, Portland, OR 97204-1193
P: (503) 988-3162 | F: (503) 988-3643 | www.mcda.us

September 4, 2026

via email only

Jonathan Saltzman
shohinstudio@icloud.com

Re: Petition of Jonathan Saltzman challenging the completeness and timeliness of the City of Portland's response to a public records request

Dear Mr. Saltzman:

On August 5, 2026, you submitted a public records request to the City of Portland for records from January 1, 2015 to present concerning the intersection of SW 23rd Drive and SW Taylors Ferry Road. The Portland Bureau of Transportation (PBOT) acknowledged the request the same night, produced records on August 11, 13, 19, and 28, and on August 28, 2026 closed the request as fulfilled.¹

You petitioned this office later that evening under ORS 192.407, arguing that the City closed the request while categories it had described on August 19 as "still working" remained unproduced, and that the cumulative handling of the request amounted to undue delay under ORS 192.329. The City responded on September 3, 2026, arguing that the completeness challenge is a search-thoroughness claim outside this office's authority and that nothing in its handling of the request violated ORS 192.329. In two further submissions the same day you clarified that your completeness claim resolved to a single question: whether the City actually finished the processing it had identified as in progress before it closed the request.

For the reasons below, I deny the petition.

DISCUSSION

A. Completeness of the Response – ORS 192.329(2)

You have been careful to say what you are not asking. You do not ask this office to find that additional records exist, that PBOT should possess records it says it does not, that the City must create records, or that the thoroughness of PBOT's search should be investigated. What remains, as restated in your September 3 email, is whether the City completed the processing it had identified on August 19 as still in progress before it closed the request on August 28.

Your reply to the City's response to the petition states "[f]ollowing the August 28 closure, Ms. Wilton subsequently advised me that she had 'looked into the two outstanding items' and found no additional records responsive to those items." Your argument appears to be that the

¹ PBOT initially closed the request in error on August 13 contemporaneously with its second production of records, but shortly reopened it as it continued to process responsive records.

response from Ms. Wilton, the City’s Legal Records Supervisor, indicates that the City was *not* in fact done searching for records on August 28 when it initially stated it was.

The City stated its response was complete on August 28. It stated it again when Ms. Wilton responded to your inquiry. It stated it a third time in response to this petition. Whether timely or not (an issue you have separately raised), the City has now given the responses contemplated by ORS 192.329(2)(a) and (d) by providing you with the records it has and stating there are no more. This office evaluates facts as they stand at the time it issues an order, not the facts as they stood at any earlier time in the process. *Petition of Kessler*, MCDA PRO 19-56 (2019); *Petition of Iboshi*, MCDA PRO 25-11 (2025).

And, as you correctly acknowledge in your petition, assessing the factual accuracy of the City’s August 28 response is beyond the scope of my review. *Petition of Wisnewski*, MCDA PRO 25-07 (2025) (a challenge to the thoroughness of a public body’s search for records is not within the authority the legislature delegated to this office); *Petition of Cashman*, MCDA PRO 23-91 (2023) (a contested issue of fact about whether a public body possesses a record cannot be resolved in a sub-judicial proceeding; this office’s role is adjudicative, not investigative); *Petition of Kessler*, MCDA PRO 18-28 (2018) (same).

B. Undue Delay and Sanctions – ORS 192.329 and ORS 192.407

ORS 192.329(5) requires a public body, within 15 business days of the date by which it must acknowledge a request, either to complete its response or to provide a written statement that it is still processing the request together with a reasonable estimated completion date. ORS 192.329(3) and (4) suspend that obligation while a fee estimate is unpaid or a good-faith request for clarification is outstanding; the clock resumes when the requester pays or answers. *Petition of DiLorenzo*, MCDA PRO 26-39 (2026). Separately, ORS 192.329(1) requires the public body to complete its response “as soon as practicable and without unreasonable delay.” The timeline of this request is as follows:

Bus. Day	Date	Event
0	Wed, Aug 5	Request received and acknowledged
1	Thu, Aug 6	Clarification requested and answered the same morning
4	Tue, Aug 11	First production; request marked partially filled
6	Thu, Aug 13	Second production; request closed (in error)
7	Fri, Aug 14	Status message; clarification requested and answered the same day
9	Tue, Aug 18	Fee estimate issued; you declined the paid review and authorized the free portion the same hour
10	Wed, Aug 19	Third production; status given
14	Tue, Aug 25	Request for clarification, with response provided the same morning
15	Wed, Aug 26	ORS 192.329(5) time limit
17	Fri, Aug 28	Fourth production; request closed 5:59 PM; petition filed 10:39 PM

The City completed its response on the seventeenth business day, two business days past the period ORS 192.329(5) allows. The City’s August 14 statement that the remaining items would arrive “sometime next week,” did not technically supply the estimated date ORS 192.329(5)(b) requires. *Petition of Friedman*, MCDA PRO 18-19 (2018) (a statement that the public body is still processing the request, without an estimated completion date, does not satisfy ORS 192.329(5)(b)). The City has not argued that ORS 192.329(6) excuses the deadline. ORS 192.407(1)(a) requires that I treat this as a denial of the request.

You argue that the sequence matters more than the sum: a premature closure, a reopening after an acknowledged internal miscommunication, an electronic search that returned 11,397 results, and a pause over personal information you never sought. Each of those events was addressed within days, often the same day, at no cost to you. The clarification requests and the personal-information inquiry that you count as interruptions are steps the statutes expressly contemplate. ORS 192.329(4)(a); ORS 192.363. A public body that produces records on a rolling basis, while it works through a decade-spanning request, is doing what ORS 192.329(1) asks of it: producing records without unreasonable delay.

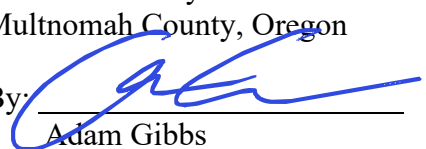
While I must conclude that the request was legally “denied,” this is a technical denial. Had the City on August 14 given you a specific estimated date rather than “sometime next week,” it would have been in actual compliance with little practical change to the process. Two business days, on a record including a request for 10 years of documents, four incremental productions, near-daily correspondence through portions of that period, and no fee, is not “undue delay,” nor is it indicative of the bad faith or negligence that might justify an award under ORS 192.407(3)(b). *Petition of Bial*, MCDA PRO 22-10 (2022) (no sanction for a delay of four business days where the public body had already provided all responsive materials at no cost); *Petition of Sarich*, MCDA PRO 19-40 (2019) (no sanction for six business days of delay); *Petition of Khlaifa*, MCDA PRO 22-13 (2022) (assuming technical non-compliance for not providing date; but noting date would have been functionally meaningless on those facts so declining to sanction); *Petition of Gunderson*, MCDA PRO 20-29(2) (2020) (imposing substantial fee reduction sanction for over 200 days of delay in responding to request).

ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 

Adam Gibbs
General Counsel

cc: Trevor Byrd, Deputy City Attorney, City of Portland