

FROM Robert Samuel White <rsw@rswfire.com>
TO MEDIARELATIONS * DAS <DAS.MediaRelations@DAS.oregon.gov>, DUKE
Bryanna * DAS <Bryanna.DUKE@das.oregon.gov>
CC Governor Kotek * GOV <Governor.Kotek@oregon.gov>
DATE July 17, 2026, 2:34 PM PT
SUBJECT **Re: R000879-070126 and R000885-070726 — outstanding determinations, and notice
of intent to petition under ORS 192.415**

Dear Mr. Liedle,

Thank you for your note of July 17.

I want to be precise about what it does and does not do, and then ask for one thing.

Your message states that you are not able to address the specific requests in my email, that the Department is processing requests in the order received, that it is experiencing a high volume of complex requests requiring multiple steps, and that periods without communication do not indicate inactivity. I take all of that at face value. None of it is a response under ORS 192.329, and none of it reaches what I asked for.

I did not ask for records to be produced faster. I asked for four things, and I restate them here.

1. A completion date. ORS 192.324(2)(b) requires that where a public body cannot complete its response within ten business days of acknowledgment, the acknowledgment include a reasonable estimated date of completion. R000885-070726 was acknowledged July 8 with no estimate. That ten-business-day period expires July 22. I asked for the estimate on R000879-070126 on July 10 and have not received one. Queue volume is precisely the circumstance the estimate provision exists to address. A high volume of complex requests is a reason to give a date, not a reason to withhold one.

2. Identification of the principal. DAS closed part of R000879 on the representation that it is not the custodian. Under ORS 192.311(2)(b) that determination is available only where the Department holds the records as an agent of another public body that is the custodian, and only where the records are otherwise available. I asked the Department, on July 8, to identify the public body for which it claims to have been acting as agent, and the basis for that agency relationship, or to withdraw the determination. That is one sentence, requires no search, and is unaffected by workload. Nine days have passed.

3. Documentation of the search. I asked what search produced the determination that DAS holds no

record in which I am named or identifiably described in connection with personnel, human resources, legal, risk, or accountability matters: custodians and offices searched, systems queried, date range, terms and identifiers, and whether the search accounted for identifiable description and not only my name. The search has already been conducted; the Department reported its result on July 10. Describing a completed search is not a multi-step undertaking.

4. Preservation. I served notice of the duty to preserve on July 7 as to both requests. I have received no acknowledgment that it was received or distributed to custodians. I restate it. I also ask the Department to state whether any potentially responsive record has been destroyed, purged, overwritten, or allowed to age off a retention schedule since July 7, 2026, and if so, what and when.

I would add one item.

R000885-070726 requests the count of requests DAS has closed on a custodial basis since 2022, any written policy or guidance governing how that determination is made and how it is distinguished from a no-records determination, and any record reflecting the standard applied. Those are a report from the request-tracking system and a policy document, or a statement that neither exists. I ask the Department to state expressly, for each of the three items, whether responsive records exist. If the Department does not track dispositions by basis, or maintains no written standard governing custodial determinations, that is an answer, and it is an answer the Department can give today without processing anything.

Now the one thing I am asking.

I would ask that this correspondence be handled by the Department's public records officer or by counsel, rather than by the Communications Director. I do not intend that as a criticism of you. It is a matter of what you are positioned to answer. You have told me you are not able to address the specific requests, and I believe you. But my correspondence reached you because Ms. Duke's automated reply directs email to DAS Media Relations, which means that at present the Department's designated channel for public records correspondence — including correspondence containing notice of intent to petition the Attorney General under ORS 192.415 — is its press office. I would ask the Department to correct that routing and to identify who is responsible for these two requests in Ms. Duke's absence.

I am not asking the Department to characterize anything, to explain itself, or to account for its handling of any other matter. Every item above has a form the statute already supplies: a date, a name, a description of a search already performed, or a statement

that a record does not exist. Any of those closes the item. I have been asking for three weeks and have received no answer to any of them.

If the Department does not respond substantively, I intend to petition the Attorney General under ORS 192.415, and to raise the custodial determination, the adequacy of the search, and the Department's failure to provide statutory completion estimates in that petition.

I renew my request for a fee waiver on public interest grounds under ORS 192.324(5) as to both requests.

Sincerely,

Robert Samuel White

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Former Oregon State Parks Volunteer

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