

From: Robert Samuel White <rsw@rswfire.com>
To: "bryanna.duke@das.oregon.gov" <bryanna.duke@das.oregon.gov>
Cc: Governor Kotek * GOV <governor.kotek@oregon.gov>
Date: Tuesday, July 07, 2026 3:58 PM UTC-07:00
Subject: RE: Public Records Request R000879-070126 — Correspondence Channel and Preservation Notice

Dear Ms. Duke,

Thank you for reopening R000879-070126. I look forward to the Department's disposition.

I'm noting for the record that I have asked twice to conduct this correspondence by email, and that your responses have come only through the GovQA portal. I will continue to correspond by email, and I am copying both of my prior emails, and this one, into the portal so the full exchange is preserved in that system as well.

I want to be direct about why the channel matters. The portal does not retain basic formatting it strips line breaks and renders correspondence as an unstructured block which makes it an inadequate medium for a legal matter of this kind, where the precise wording, structure, and sequence of communications may become relevant. Email preserves the record faithfully and gives both of us a complete, verbatim account of what was said and when. For that reason I will treat email as the authoritative channel for this matter and mirror it into the portal for the Department's convenience, rather than the reverse.

Separately, I have not yet received acknowledgment of my second public records request, submitted regarding the Department's custodial-basis closures and any governing policy. Given the response to my first public records request, the second will be used to audit the process itself. Please confirm receipt of that request and provide the Department's response or an anticipated response date.

Finally, I want to make the preservation obligation explicit as to both matters.

Please treat this as formal notice of a duty to preserve all records potentially responsive to R000879-070126 and to my second request regarding custodial-basis closures and governing policy. This includes, without limitation, the requested communications themselves; all request logs, disposition data, and portal (GovQA) records reflecting how requests are received, categorized, closed, or referred; any written policy, guidance, training material, or decision criteria governing custodial-basis determinations; and all related internal communications.

Given my pending notice of claim under 42 U.S.C. 1983 and the reasonable anticipation of litigation, the Department is on notice that any deletion, alteration, overwriting, or failure to preserve potentially responsive records following receipt of this notice may constitute spoliation of evidence and may give rise to legal consequences, including sanctions and adverse-inference findings. This obligation extends to any automated retention, purging, or log-rotation

processes, which should be suspended as to potentially responsive records.

Thank you,

Robert Samuel White