

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: Friday, July 17, 2026 1:30 PM UTC-07:00
Subject: RE: R000879-070126 and R000885-070726 — outstanding determinations, and notice of intent to petition under ORS 192.415

Dear Ms. Duke,

I am writing regarding R000879-070126 and R000885-070726.

Over the past ten days I have asked the Department four direct questions. Each has a form the statute supplies. None has been answered.

On July 8, I set out the analysis under ORS 192.311(2)(b) showing that the agent exception is unavailable as to the Department's own correspondence DAS creates, sends, receives, and maintains its own email as a principal, not as an agent holding another body's records and unavailable as to DAS Governor's office communications on the exception's own "not otherwise available" proviso, since OPRD is not a party to them and cannot produce them. I asked the Department 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. Nine days. Neither.

On July 10 and again on July 12, I asked the Department to document the search that produced its "no records" determination: custodians and offices searched, systems and repositories queried, date range, terms and identifiers, and whether the search accounted for identifiable description and not only my name. Seven days. Nothing.

On July 10, I asked for the completion date ORS 192.324 requires for the portion of R000879 still under review. Seven days. No date.

On July 8, the Department acknowledged R000885-070726 without the estimated completion date that ORS 192.324(2)(b) requires when a response will exceed ten business days of acknowledgment. That period expires July 22.

On July 7, I served notice of the duty to preserve as to both requests. Ten days. No acknowledgment that it was received or distributed.

Here is what that pattern is. "Not the custodian" is not an administrative convenience. Under ORS 192.329(2)(d) it is a formal written representation, and it is the only representation available to a body in possession of records that wishes to disclaim them.

When that representation is challenged on the statute and the Department neither defends it nor withdraws it, the determination is not being maintained. It is being left standing without support, in a posture where it continues to operate against me while

no one has to own it. The same is true of the "no records" finding: a determination about a search that the Department will not describe is a conclusion with nothing under it.

I am not asking the Department to characterize anything. I am asking it to answer for its own representations, in its own name, under a statute that requires exactly that.

So I am asking, plainly, for the following.

1. Identify the public body for which DAS claims to have acted as agent under ORS 192.311(2)(b), and the basis for that agency relationship or withdraw the custodial determination and dispose of the request in one of the three lawful forms: production, production with itemized exemptions cited record by record, or an express written statement that no responsive records exist.
2. Document the search underlying the "no records" determination: custodians and offices, systems and repositories, date range, terms and identifiers, and whether identifiable description was accounted for.
3. Provide the estimated completion date for the portion of R000879 still under review, and for R000885-070726.
4. Confirm receipt and distribution of the July 7 preservation notice, and state whether any potentially responsive record has been destroyed, purged, overwritten, or aged off a retention schedule since July 7, and if so, what and when.

I would prefer to resolve this with you. That preference is real and I have acted on it for three weeks. But it is not unlimited, and I want the path stated rather than implied.

If the Department does not respond substantively, I intend to petition the Attorney General under ORS 192.415 for an order requiring disclosure, and to raise both the custodial determination and the adequacy of the search in that petition. R000885 asks how the Department makes custodial-basis determinations and what standard governs them. A petition that reaches that question reaches it for every requester the determination has been used against, not only me. I would rather the Department answer it here.

I renew my request for a fee waiver on public interest grounds under ORS 192.324(5) as to both requests. I am not seeking these records for any commercial purpose.

Sincerely,

Robert Samuel White

Founder, Autonomy Realms

Owner, eNetwizard Inc.

Former Oregon State Parks Volunteer

Current U.S. Forest Service Caretaker

Steward, oprdivolunteerabuse.org