

From: [CARLOUGH Les](#)
To: [MANEY Ella](#); [NELSON Kerri](#)
Cc: [VANDEHEY Maggie](#); [FELDON Leah](#); [ROOT Jenny](#)
Subject: Division 11 public records rule changes
Date: Monday, July 22, 2013 9:19:41 AM
Attachments: [JUSTICE-#4437444-v1-LK comments on div 11 and div 12 rules.docx](#)
Importance: High

You probably know we have been engaged in a Division 12 rulemaking. There were a few parts of Division 11 going along for the ride, mostly standardization of language and a few things to square with DOJ Chapter 137 rule requirements. We are at the very end of our effort and sent the rules to DOJ for final review. Larry K suggested four changes related to public records in 340-011-0330 and -0340, which he explained in comment balloons of the attached draft. This is out of scope of our rulemaking, and perhaps there are other things in Division 11 that should be changed as part of a future rulemaking. If you do want to make these changes, is the rest of the pricing structure correct?. Please let me know what you want me to do with his recommendations asap as we are trying to finalize for the EMT review. If you want to make those changes, here are suggestions:

340-011-0330(2) Request to review or copy public records should be made to, and will be handled by, the appropriate DEQ staff maintaining the records requested. For questions, contact DEQ's general information number listed in the phone book [\[KL1\]](#) and website at www.deq.state.or.us/pubs/index.htm.

340-011-0340(2)(c) Reimbursement of Department of Justice Attorney General time: If necessary to respond to a record request, an hourly rate of **\$90.00** (as of August 2013, **\$159 for attorneys, \$79 for paralegals**) will be assessed for any Department of Justice Attorney General time spent [\[KL2\]](#) reviewing records to delete exempt material.

340-011-0340(2) (e) Whenever **reasonable feasible** [\[KL3\]](#), DEQ will provide double-sided copies of a record request. Each side of a double-sided copy will constitute one page.

340-011-0340(3)(e) – Depending on what technologies we use, you might want to delete the paragraph about us supplying VCS tapes and add a new paragraph referring to flash drives.

Thanks

Les x5422