



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 809
BOARD OF GEOLOGIST EXAMINERS

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FILING CAPTION: Amendments to ensure compliance with Oregon Public Meetings Law in relation to public records requests

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CONTACT: Christine Valentine 707 13th St SE
503-566-2837 Suite 114
osbge.info@oregon.gov Salem, OR 97301

Filed By:
Christine Valentine
Rules Coordinator

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RULE TITLE: Public Records Requests

NOTICE FILED DATE: 03/11/2019

RULE SUMMARY: Addresses the requirements of the Oregon Public Records Law in relation to public records requests made to the Board.

RULE TEXT:

- (1) All requests for copies of public records in the custody of the Board of Geologist Examiners (Board) shall be made in writing to the Board Administrator. Written requests may be delivered in person, by mail, by fax or by email. All requests are subject to disclosure according to Oregon Public Records Law.
- (2) A public records request may be submitted on a request form provided by the Board. If the form is not used, the requestor must include the following information in the request:
 - (a) The name and address of the person requesting the public record;
 - (b) The telephone number, email address, and other relevant contact information for the person requesting the public record;
 - (c) A sufficiently detailed description of the records requested to allow the Board to search for and identify if it has any records responsive to the request in accordance with Oregon Public Records Law;
 - (d) The date the request is submitted to the Board;
 - (e) Statement as to whether the person making the request wants to inspect any responsive, non-exempt records at the Board office or to receive copies of the records, and
 - (f) Signature of the person making the request if the request is not made by email.
- (3) The Board will respond to written public records requests it receives under (2) of this rule as soon as practicable and without unreasonable delay within the time periods provided in ORS 192.324 and 192.329.
- (4) The Board charges fees for responding to public records requests which are reasonably calculated to cover costs of the response and records provided. Fees are designed to cover the cost of locating, reviewing, compiling, making available for inspection, preparing copies, and delivering the response and public records. Fees are as follows:
 - (a) Two (2) cents per page for photocopies, where a double-sided copy equals two (2) pages;

(b) At the Board Administrator's discretion, copies of public records may be provided electronically if stored in the Board's computer system. Electronic records may be provided by email or by other means as deemed appropriate by the Board Administrator. Due to the potential threat of computer viruses, the agency will not permit requestors to provide disks, USB drives, or other electronic devices for reproduction of electronic records;

(A) The cost of records transmitted by email is five (5) dollars per email, except when (6) of this rule applies, and may contain as much information as the Board email system will handle per email;

(B) The cost of records transmitted by other electronic means is five (5) dollars per device and may contain as much information as the electronic device will hold.

(c) Estimated cost for delivery of records such as postage and courier fees; and

(d) Labor charges that include researching, locating, reviewing, compiling, editing and otherwise processing information and records responsive to the request:

(A) No charge for the first thirty (30) minutes of staff time;

(B) After the first thirty (30) minutes, the staff labor rate is twenty-five (25) dollars per hour, with a six dollars twenty-five cents (6.25) minimum;

(C) Actual attorney and other legal fees and costs charged to the Board for review of the request, records, redacting confidential materials from the public records, segregating the public records into exempt and nonexempt records, and response.

(e) Miscellaneous fees related to production and release of public records responsive the request such as:

(A) expedited retrieval from the State of Oregon Records Center;

(B) costs of hardware or software needed to manage the request (such as for a large volume of data);

(C) other third party costs incurred by the Board in preparing a response and providing responsive records.

(f) If fees are estimated to be more than twenty-five (25) dollars, the requestor will be provided a written cost estimate by Board staff before the Board responds to the request. The requestor must then timely confirm to the Board in writing that the requestor wants the Board to proceed with making the records available and understands the estimated fees. The Board will not take further action on the request prior to receiving such confirmation from the requestor. The Board will try to work with the requestor to determine if refinement of the request would result in reduced cost;

(g) The fee structure as described in (4)(a)-(4)(f) does not apply to Board records with established prices per record as listed in OAR 809-010-0001 Fees.

(5) Fees for public records requests must be paid as follows:

(a) Before the requested public records will be made available for inspection or copies provided. The Board Administrator may require pre-payment of estimated fees before taking further action on a request;

(b) By check, money order, or any credit card accepted by the Board office;

(c) If payment is rejected by the bank or credit card company, the requesting party will be notified and be responsible for any charges incurred by the Board as a result of the rejected payment. This is in addition to the fees for response to the request.

(6) The Board Administrator may waive or reduce fees for:

(a) Responses to requests that can be provided with less than sixty (60) minutes of staff time and in electronic format via email delivery; or

(b) Responses to requests that the Board Administrator determines are in the public interest because making the public records available primarily benefit the general public or Board registrants;

(c) Any fee reductions will be with respect to charges under (4)(d) and (4)(e) of this rule.

STATUTORY/OTHER AUTHORITY: ORS 670.310, 182.466, 192.318, 192.324

STATUTES/OTHER IMPLEMENTED: ORS 192.311, 192.390