



## Nathan Vasquez, Multnomah County District Attorney

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*via email only*

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Senior Legal Counsel  
Portland Public Schools  
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Re: Petition of Jamie Jevning challenging the timeliness and completeness of Portland Public Schools' response to a public records request

Dear Ms. Jevning and Ms. Schiers:

On April 1, 2026, Ms. Jevning submitted a public records petition challenging Portland Public Schools' (PPS) response to public records request PRR 2526-193, filed January 5, 2026. She contends that PPS engaged in unreasonable delay and conducted an inadequate search for responsive records. The January 5 records request sought:

1. All communications between Lisa Newlyn and Elizabeth Casson-Taylor ([ecassont@pps.net](mailto:ecassont@pps.net)) that were created, sent, or received between January 21, 2025 and February 20, 2025.
2. All communications between Benjamin Cornett and Kristina Fosik that were created, sent, or received between December 5, 2024 and June 30, 2025.
3. All communications to or involving Libby Kelly that contain any of the following keywords or identifiers, whether individually or in combination, [list of keywords]

PPS timely acknowledged the request and, on January 26, informed petitioner that it had located over 300 potentially responsive records. In the same communication PPS provided an estimated completion date of February 17 for review and redaction of those records. PPS subsequently extended its estimated completion date twice. On March 5, PPS provided records to petitioner.

On March 17, Ms. Jevning informed PPS that she believed records were missing and requested its search methodology. PPS provided search parameters on March 20, disclosing that its searches had returned 19, 148, and 167 results for the three items, which it had filtered to remove duplicates and non-responsive material. On March 30, PPS informed her that it had re-examined the 167-message set for Item 3 and determined that it was over-inclusive: only 42 of them met the search parameters. PPS provided petitioner with all 42 messages, without filtering or deduplicated, two days later on April 2.

Petitioner alleges that the discrepancies in count between the various responses indicate that PPS has failed to perform a reasonably thorough search, and requests that I order PPS to re-search for responsive material. For the reasons discussed below, the petition is denied.

## DISCUSSION

### A. Timeliness

ORS 192.329(5) requires that within 15 business days of receiving a public records request, a public body either complete its response or provide a written statement with a reasonable estimated completion date. PPS did the latter on January 26, 2026, the 14th business day after the request.

Whether PPS's subsequent handling of the request constituted "undue delay" under ORS 192.329(1) is a separate question. There was no interval during which PPS abandoned or ignored the request. It provided estimated completion dates, produced records as they were processed, and engaged with petitioner's questions about its search methodology. By April 7, PPS had completed production of all records responsive to both PRR 2526-193 and the related request, PRR 2526-275. I do not find that this constituted undue delay. Compare, *Petition of Wright*, MCDA PRO 23-13 (2023) (two and a half months with no response); *Petition of Reyna*, MCDA PRO 23-38 (2023) (13 weeks of unexcused delay).

### B. Adequacy of Search

Petitioner next asks this office to evaluate whether PPS conducted an adequate search for responsive records and, if not, to order a new search. Petitioner has clarified that she is not asking the district attorney to supervise PPS' search techniques in the abstract, but rather to evaluate whether the record in this case establishes that PPS provided a complete response under ORS 192.329.

In addition to the delay provisions discussed in the previous section, ORS 192.407(1)(c) grants the district attorney authority to review "any other instance in which the person believes that the public body has failed to comply with ORS 192.329."

We have previously concluded that ORS 192.407(1)(c) does not grant the district attorney the power to require a public body to prove the thoroughness of its search. *Petition of Eubanks*, MCDA PRO 26-14 (2026) ("The public records law does not give the district attorney the authority to 'check the work' of a public body by retracing their steps and looking at every document they reviewed during the course of their search.") Petitioner points to two Attorney General orders that she argues are to the contrary.

In *Petition of Wilker*, Att'y Gen. PRO (9/8/2023), the Attorney General found that Oregon Housing & Community Services had constructively denied a records request by failing to acknowledge or respond to the requester's clarification at all. The Attorney General's office did not evaluate search methodology; it ordered production because the agency had completely failed to act on a portion of the request.

*Petition of Anderson*, Att'y Gen. PRO (8/23/2024), is more analogous to the situation presented here: the agency located 20,000 emails in an initial search and then determined only

2,665 were responsive to the request after reviewing them. The Attorney General denied the petition, concluding that it had “no reason to second guess” the agency’s representation that it possessed no responsive records beyond the 2,665 it released. This office’s decision in *Eubanks* is in accord with this conclusion:

Early in the process the City Recorder informed you that “it is quite common for email search results to include emails that may contain keywords/search terms but may not be responsive or relevant to your request[.]” That is precisely what happened here. The City reviewed the 370 emails identified by the search and determined that only 10 involved the Mayor and the City Manager. This is a reasonable interpretation of your request for communications “between” the City Manager and the Mayor. The remaining 360 emails may or may not be exempt from disclosure, but your request did not ask that the City produce those records. This is the digital equivalent of flipping through a personnel file in search of a requested termination letter: the remaining documents in the file are not subject to review or challenge simply because they were contained in proximity to the record sought and someone had to look at them to determine they were not responsive. The City did not deny your request. The City fulfilled your request for the 10 documents that met the request parameters.

*Eubanks*, 26-14.

PPS, unlike the agency in *Wilker*, has responded to petitioner’s request and described its search process. *Anderson* and *Eubanks* conclude that a differing count of emails between an initial search and a final production is normal and does not establish that an agency has withheld responsive records.

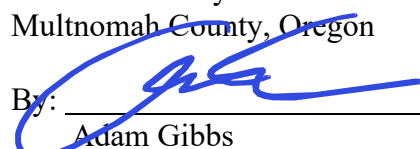
There is nothing in the materials presented to me from which I can conclude that PPS denied any portion of petitioner’s request for records.

### ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ  
District Attorney  
Multnomah County, Oregon

By:   
Adam Gibbs  
General Counsel