Nathan Vasquez, Multnomah County District Attorney

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November 5, 2026

via email only

Jose Lambiet
lambietgalaxy@gmail.com

Andrea Schiers
Senior Legal Counsel
Portland Public Schools
aschiers@pps.net

Re: Petition of Jose Lambiet requesting certain records from Portland Public Schools

Dear Mr. Lambiet and Ms. Schiers:

On August 12, 2026, Mr. Lambiet submitted a public records request to Portland Public Schools (PPS) that included nine separate items. Items 1-2, 4-7, and 9 sought emails, phone correspondence, and text messages between select PPS Board of Education members and various PPS employees and auditors. Item 3 sought the same categories of communications between an internal PPS auditor and an external auditor. Item 8 sought the same categories of communications, in addition to records of meetings and interviews between auditors and select PPS employees.

On August 14, 2026, PPS acknowledged receipt of the request. On September 4, PPS updated Mr. Lambiet that it was working to identify responsive records and would provide additional information by September 24. On September 22, PPS informed Mr. Lambiet that it had identified 1,015 responsive emails, requested clarification on two elements of the request, and provided a fee estimate of $990.50 for 26.07 hours of work. Mr. Lambiet promptly paid the assessed fee on September 24 and provided the requested clarification.

On September 30, PPS confirmed receipt of payment and provided an estimated completion date of October 13. On October 13, PPS advised that it needed more time and expected to have a first batch of records ready on or before October 23. Finally, on October 23, citing an unprecedented volume of requests, PPS advised Mr. Lambiet that it was still collecting responsive records and was allocating additional resources to expedite its response. PPS further advised that "more information and a concrete ETA" would be available the following week.

On October 27, 2026, Mr. Lambiet petitioned this office seeking relief from unreasonable delay in the production of records. For the reasons discussed below, I grant the petition in part.

DISCUSSION

A. Elected Officials – ORS 192.427

ORS 192.427 provides that when a public record is in the custody of an elected official "no petition to require disclosure may be filed with the […] district attorney." This is jurisdictional, and may not be waived.

This office has consistently held electronic messages of elected officials are covered by ORS 192.427. *Petition of Jon Bial*, MCDA PRO 24-33 (2024) (dismissing a petition in part for lack of jurisdiction as to portion of request seeking communications between PPS Board of Education members and Superintendent); *Petition of Alan Kessler*, MCDA PRO 20-30 (2020) ("Emails generated by or sent to an elected official, as they are retained by his or her agency, remain in the official's custody for purposes of ORS 192.427") (citing *Petition of Wright*, MCDA PRO 16-29 (2016)).

Applying this jurisdictional rule to the individual items of the public records request at issue in this petition, the only portions that are within my jurisdiction to adjudicate are:

> 3) "All emails and phone conversations and text messages between Cathy Brady external auditor and Janice Hansen, internal auditor, between Sept. 1, 2019 and today"; and
>
> 8) "All records of [i]nterviews, meetings, email correspondences and text and phone messages from Cathy Brady and Janice Hansen with Ellen [Cusick], Robert Jole, Tom Odgers, Eric Naes, Deborah Kafoury, Joanna Evenson, Liz Large and Jen Sohm, between Jan. 1, 2025 and today."

The petition is dismissed for lack of jurisdiction as it relates to the other items.

B. Undue Delay – ORS 192.329

The Oregon Public Records Law sets a sequence of deadlines for a public body's response to a records request. A public body must acknowledge a request within five business days of receiving it. ORS 192.324(2). It must then, as soon as reasonably possible, but no later than ten business days after that acknowledgment is due, either complete its response or provide a written statement that it is still processing the request together with "a reasonable estimated date by which the public body expects to complete its response." ORS 192.329(5).

PPS' response on September 4 did not satisfy the requirement of ORS 192.329(5). A written statement on the 17th business day after receipt of a request, which provides the requestor with a future date upon which additional information will be available, is not an estimated date of completion.[1] This requires that I find the request has been denied and proceed to consideration of remedies unless one of the exceptions in ORS 192.329(6) applies. ORS 192.407(1)(a).

With respect to ORS 192.329(6)(c), PPS cites "an unprecedented volume of public records requests at the same time as budget and staffing cuts." This office has recently acknowledged the surge in requests that PPS is currently working through. *Petition of Charles*, MCDA PRO 26-94 (2026); *Petition of Merrick*, MCDA PRO 26-95 (2026). This surge slowed PPS' records responses as it worked to process all of them. That does not explain the delay here. Mr. Lambiet's request

[1] I understand that, as a practical matter, PPS was still in the information-gathering stage and lacked sufficient information at this point in the response process to provide an estimated date by which it would complete the review of an unknown quantity of records. The most accurate information it could provide is what it did provide: that additional information would be forthcoming, with continued updates to Mr. Lambiet. That, however, does not satisfy the letter of ORS 192.329's requirement to complete the response, or provide an estimated completion date, by the 15th business day after receipt of a request.

had been pending for nearly two months before the newest wave of requests began to hit at the beginning of October. As to budget and staffing cuts, this office has concluded that a public body may not "fund its other priorities while cutting the staff its routine records flow requires and then invoke the resulting shortage as the reason a requester must wait." *Petition of Haugland*, MCDA PRO 26-40 (2026). PPS has not demonstrated that compliance with ORS 192.329(5) was not required, so its failure to comply is a denial of the request under ORS 192.407(1)(a).

ORS 192.407(3)(a) permits me to require disclosure "within seven days, or within any other period" that I conclude is appropriate to comply with ORS 192.329. The request, although large, has been pending for nearly three months, and Mr. Lambiet paid PPS' fee six weeks ago. PPS estimated 26 hours of work for the entire request, and the two items within my jurisdiction account for 512 of the 1,015 emails it identified. PPS states that it engaged an outside law firm on October 23 to review the emails. That review should now be well underway.

Considering all relevant context, I find that the appropriate remedy for the delay described above is an order requiring production within seven business days as to the items 3 and 8.

ORDER

The petition is dismissed for lack of jurisdiction as to items 1-2, 4-7, and 9. As to items 3 and 8, the petition is granted. Pursuant to ORS 192.407(3)(a), PPS shall complete its response as to those items no later than seven business days from the date of this order.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: _____
Adam Gibbs
General Counsel

Notice to Public Agency

Pursuant to ORS 192.411, 192.415, and 192.431(3), your agency may become liable to pay petitioner's attorney fees in any court action arising from this public records petition (regardless of whether petitioner prevails on the merits of disclosure in court) if you do not comply with this order and also fail to issue, within seven days, formal notice of your intent to initiate court action to contest this order, or fail to file such court action within seven additional days thereafter.

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