HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400
TTY: (503) 378-5938

July 22, 2004

Ms. Barbara Schwarz
335 East Broadway
Apt. 401
Salt Lake City, UT 84111

Re: *Petition for Public Records Disclosure Order:*
Department of Geology and Mineral Industries Records

Dear Ms. Schwarz:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. We received your petition on July 20, 2004.

Charles Kirby, Business Manager for the Department of Geology and Mineral Industries, has informed you that the agency's limited search of its files identified no records responsive to your request. He also notified you that the agency would need to charge a fee to cover its costs to initiate a comprehensive check of all of its files to confirm that it does not have any records responsive to your request. You have not agreed to pay any of those costs.

We have reviewed the email correspondence between you and Mr. Kirby. Under all of the circumstances, the agency has not denied your request for records.

Because the Department of Geology and Mineral Industries has not denied your request for records, we deny your petition.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

PDS:AGS14310
c: Charles Kirby, Oregon Department of Geology and Mineral Industries