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June 8, 2004

Patricia Troolin
1734 NW Jolie Place
Portland, OR 97229

Re: Petition for Public Records Disclosure Order
Oregon Racing Commission Records

Dear Mr. Troolin:

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. Your petition, which we received on June 1, 2004, asks the Attorney General to direct the Oregon Racing Commission to provide you with copies of various records pertaining to Oregon greyhound racing in 2003, as outlined in your January 20, 2004 letter to Jodi Hanson. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. If a public record contains exempt and nonexempt material, the public body must separate the materials and make the nonexempt material available for examination if it is "reasonably possible" to do so while preserving the confidentiality of the exempt material. *Turner v. Reed*, 22 Or App 177, 186 n 8, 538 P2d 373 (1975).

The Attorney General may order a state agency to disclose records only when the agency has denied a request of the records. *See* ORS 192.450(1). Our office contacted Jodi Hanson, the Executive Director for the Oregon Racing Commission to inquire about the production of the requested records. Ms. Hanson stated that the Commission had not denied your request for records, and that she had collected all the records responsive to your request that are in the Commission's custody in preparation for mailing, with the exception of records pertaining to "injury reports." She stated that she expected to have the injury report records copied on June 8 and to be able to mail all of the records to you that same day.

Because you have not been denied access to the records, your petition is premature. We therefore respectfully deny your petition.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

c: Jodi Hanson
PDS/AGS14153