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May 14, 2004

Debby A. Todd
P.O. Box O
Florence, Oregon 97439

Re: *Petition for Public Records Disclosure Order*:
OLCC Records

Dear Ms. Todd:

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 May 1, 2004.[1] In it, you ask the Attorney General to order the Oregon Liquor Control Commission (OLCC) to disclose the "Draft Memorandum of Understanding between Oregon Liquor Control Commission and Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians regarding sale of alcoholic beverages at a location in Florence, Oregon."

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450.

Your petition states that an employee of the OLCC denied your request for a copy of the draft MOU between the OLCC and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (Tribes). You then petitioned this office. We conferred with staff for the OLCC after receiving your petition.

The OLCC has informed us that it will release the document that best fits the terms of your request.

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[1] On May 7, 2004, Assistant Attorney General Kate Georges contacted you by telephone after learning that you were not represented by counsel in this matter. During that conversation, you agreed to an extension of time for us to act on your petition. We appreciate your willingness to grant that extension.

The Attorney General's authority to order an agency to reveal records is limited to controversies between a person requesting a record on the one hand, and an agency resisting that request on the other. Where, as here, the agency has determined that it will no longer resist the request as to the document to be revealed, there exists no controversy for this office to resolve. For this reason, we respectfully deny your petition because it is rendered moot by OLCC's decision.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

cc: Assistant Attorney General Charlie Ferarri
Assistant Attorney General Kate Georges
Linda Ignowski, Regulatory Director, OLCC
David Green, OLCC
Pete O'Rourke, OLCC

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