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May 4, 2004

William Joseph Birhanzl
c/o Douglas Bray, Trial Court Administrator
Multnomah County Courthouse
1021 SW Fourth Avenue
Portland, OR 97204

Re: *Petition for Public Records Disclosure Order:*
Multnomah County Trial Court Administrator Records

Dear Mr. Birhanzl:

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 April 27, 2004, asks the Attorney General to order Douglas Bray, the Trial Court Administrator for Multnomah County, and his employees to disclose "copies of Forcible Entry and Detainer [FED] Cases which cases were filed with the court on the prior judicial day, or furnish reasonable opportunity to inspect and copy." For the reasons that follow, we respectfully deny your petition.

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. The Attorney General does not have authority to order disclosure of public records unless the agency has denied a request for those records.

You requested the identified records, for the date of April 20, 2004 (the prior judicial day), from Mr. Bray on April 21, 2004. You petitioned the Attorney General for an order demanding that Mr. Bray comply with your public records request on the same day, April 21st. We spoke with Mr. Bray about your petition. He told us that his office did not deny your request, and that he told you that FED case files will be available for your inspection within two weeks of filing of the original document in the case, and that you may request the files for review as they become available under this schedule.

Under ORS 192.430, the custodian of public records is required "to furnish proper and reasonable opportunities for inspection and examination of the records in the office of the custodian" during regular business hours. We have concluded that the public's "reasonable" opportunity to inspect records permits a public body a "reasonable" time to respond to a records request. AG'S PUBLIC RECORDS AND MEETINGS MANUAL (2004) 9. "It is not a denial entitling the requestor to petition for release of the records if the custodian does not provide access to the nonexempt records within the time frames set by the requestor." *Id. citing Morse Bros. Inc. v. ODED*, 103 Or App 619, 798 P3d 719 (1990).

Mr. Bray has not denied your request. He has agreed to make the requested case files available to you. Therefore, we deny your petition as premature.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

PDS/AGS13935
c: Douglas Bray, Multnomah County Trial Court Administrator
Bradd Swank, Office of the State Court Administrator