DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

JAMES E. MOUNTAIN, JR.
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

October 18, 1989

Katherine Mendonca
412 NW B Street
Grants Pass, Oregon 97526

Re: **Petition for Public Records Disclosure Order; Oregon Department of Veterans' Affairs Records**

Dear Ms. Mendonca:

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 October 12, 1989, asks the Attorney General to direct the Oregon Department of Veterans' Affairs (ODVA) to disclose records that identify who "'we' and 'us' are in the letters [to you] from the ODVA dated September 13, 1989 and September 29, 1989." You also ask for documents that identify the official titles of those persons. Finally, you ask for disclosure of documents describing the delegation of authority granted to those persons by the ODVA Director "to take out a policy for home owners insurance retroactively on the petitioner." The letters that you identify in your disclosure petition are (1) an unsigned form letter providing a status report on your insurance coverage, and (2) an unsigned form letter informing you that the ODVA had placed an insurance policy for fire and extended coverage to cover your residence. For the reasons stated below, we deny your petition.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exceptions. ORS 192.420. However, in order for documents to be disclosed, they must exist and be within the custody of the official or agency from which disclosure is sought. The Public Records Law creates no obligation to collect records not held by that official or agency, to develop records or to otherwise summarize agency action.

The letters that you provided to this office apparently are the only documents relevant to your request for disclosure. ODVA has not withheld any documents from disclosure.

From the context of the letters ODVA provided, it appears that the terms "we" and "us" in the first letter refer to Transamerica Financial Systems and Concepts, Inc., acting by contract as the insurance processing agent for the ODVA. In the second letter, the terms "we" and "us" apparently refer to the Insurance Unit within ODVA. Employes within the Insurance Unit are employed by the ODVA director pursuant to legislative authority contained, inter alia, in ORS 406.030 and 406.040.

We conclude that ODVA has not denied you access to any public records. Accordingly, we respectfully deny your petition to compel disclosure.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:DCK:ros/0357G
cc: Richard Johnson
Insurance Manager
Oregon Department of Veterans' Affairs