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DEPARTMENT OF JUSTICE

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

July 13, 1990

John Henry Hingson III
222 Promenade Building
421 High Street
Oregon City, OR 97045

Re: **Petition for Public Records Disclosure Order; Clackamas County Circuit Court Records**

Dear Mr. Hingson:

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 July 11, 1990, asks the Attorney General to order the Clackamas County Trial Court Administrator to disclose specified records. For the reasons that follow we deny your petition.

As noted in your petition and shown by supporting documents, the records you seek are subject to a June 20, 1990, Order Sealing Records, directed to the State Court Administrator, signed by Clackamas County Circuit Court Judge Brockley. This order commands "that the said records shall remain sealed in the possession of the State Court Administrator until further order of the Court." Accordingly, the custodian of the records lacked authority to comply with your request to produce those records. The Public Records Law does not empower the Attorney General to direct the custodian to violate a direct court order.

Moreover, to the extent that your petition implicitly challenges Judge Brockley's order, the Attorney General lacks the authority even to consider your petition. Judge Brockley is an elected official who has exercised the power to withhold disclosure of the records. In these circumstances, ORS 192.480 bars the Attorney General from considering your petition.

For these reasons, we respectfully deny your petition.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

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