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October 31, 2003

Dennis N. Bell
955 NW Anjni Circle
Corvallis, OR 97330-3760

Re: *Petition for Public Records Disclosure Order*:
Public Employees Retirement System Records

Dear Mr. Bell:

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 27, 2003, asks the Attorney General to direct the Public Employees Retirement System (PERS) to make available for your inspection and to produce copies of your PERS membership file and PERS disability retirement application, along with "all associated documents submitted to PERS from whatever source and all internally generated documents pertaining to the application." 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. Any person who is 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 from disclosure. ORS 192.450(1).

We spoke with Carol Gillaspie, Legal Liaison in the Policy, Planning and Legislative Analysis Group at PERS, about your petition. She told us that PERS has responded to your requests by providing you with some, but not all, of the records that you requested, and that PERS is willing to provide you a copy of the records that it previously withheld from disclosure. Also, Ms. Gillaspie told us that PERS will permit you to inspect the original files.[1] Because the

[1] The Public Records Law authorizes a public body such as PERS to charge a "reasonably calculated" fee to reimburse its cost in making the original records available for inspection. ORS 192.440(3).

agency has agreed to provide you with copies of the requested records and access to inspect the original files, we deny your petition as moot.[2]

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS13146
c: Carol Gillaspie, PERS

[2] Your petition requests that PERS be ordered to extend the time period in which you may request a formal hearing. The issuance of such an order is outside the scope of the Attorney General's authority under the Public Records Law. *See* ORS 192.450.