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Justice Building
Salem, Oregon 97310
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November 3, 1988

John Killen
Regional Editor
The Oregonian
1320 SW Broadway
Portland, Oregon 97201

Re: Petition for Public Records Disclosure Order; Marion County Sheriff's Department Records

Dear Mr. Killen:

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 November 2, 1988, asks the Attorney General to direct the Marion County Sheriff's Department to disclose the name of the deputy who shot Felix Sanchez, a.k.a. Migel Ariola Rodriguez, November 1, 1988, during a drug raid involving Marion County. For the reasons that follow, we deny your petition.

Under the Public Records Law, the Attorney General has authority to issue a public records order only where a "person [is] denied the right to inspect or to receive a copy of any public record of a state agency." ORS 192.450(1). (Emphasis added.) The Marion County Sheriff's Department is a public body other than a state agency. Therefore, under the Public Records Law, it is the Marion County District Attorney, not the Attorney General, who has the authority to review the Sheriff's Office's denial of your request for the information in

question. ORS 192.460. You are free, of course, to submit a new petition to the Marion County District Attorney to review that denial.

Yours very truly,

James E. Mountain Jr.

JAMES E. MOUNTAIN, JR.
Special Counsel to the
Attorney General

JEM:cm
cc: The Honorable Dale Penn, Marion County District Attorney
Richard D. Wasserman, Assistant Attorney General
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