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DEPARTMENT OF JUSTICE

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September 23, 2002

Rose Jade
Attorney At Law
PO Box 2104
Newport, OR 97365

Re: *Petition for Public Records Disclosure Order:*
State Court Administrator Records

Dear Ms. Jade:

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 September 16, 2002, asks the Attorney General to direct the State Court Administrator to make available certain jury load lists and memos sent to trial court administrators concerning disposition of juror moneys under ORS 10.075(3). 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. Under ORS 192.450, the Attorney General may order a state agency to disclose public records when that agency has denied any person the right to inspect or receive a copy of the records. The Attorney General does not have authority to order disclosure of public records unless the agency has denied a request for those records.

We have discussed your records request with Bradd Swank of the State Court Administrator's office. Mr. Swank responded to your request dated April 12, 2002 on June 12, 2002. According to Mr. Swank, at that time he informed you that no records existed concerning the disposition of juror funds under ORS 10.075(3). He also informed you that his office was still attempting to locate the jury load list records you requested. Mr. Swank further responded to your request by letter dated September 20, 2002. In part, the September 20 letter describes the records the State Court Administrator's office has

that are responsive to your request for jury load lists and the costs involved in retrieving and copying those records. The letter states that the State Court Administrator's office will provide you with the records after receiving payment of these costs, as permitted by law. ORS 192.440(3).

To summarize, in response to your request for records, the State Court Administrator's office has informed you about the records that do not exist and the costs involved in providing the remaining records to you. Because the agency has not denied your request, the Attorney General does not have jurisdiction to order the agency to disclose the records. ORS 192.450. In light of the fact that you may, at your option, pay the agency's estimated costs to receive the requested records, we deny your petition as premature.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS11067
c: Bradd Swank, Office of the State Court Administrator