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Justice Building
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December 21, 1992

Robert D. Street
Attorney at Law
455 S.W. Madison Ave.
P.O. Box 585
Corvallis, OR 97339

Re: Request for Public Records Disclosure Order
City of Albany Police Department

Dear Mr. Street:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law. We respectfully must deny your petition.

Your petition, which we received on December 18 asks the Attorney General to direct the City of Albany Police Department to produce copies of certain records in its possession.

Under the Public Records Law, the Attorney General has authority to issue a public records order only to ". . . any person denied the right to inspect or to receive a copy of any public record of a state agency. . . ." (Emphasis supplied.) ORS 192.450(1). The City of Albany Police Department is not a state agency. Therefore, under the Public Records Law, it is the Benton County District Attorney, not the Attorney General, who has the authority to review the denial of your request for the information in question.

Should the district attorney deny your petition, your recourse is then to file a lawsuit in the Benton County Circuit Court.

Yours very truly,

Amy L. Veranth
Opinions Coordinator
General Counsel Division

ALV:jpl/jaa0028e
Enclosures
c: (w/incoming correspondence):
The Honorable Peter Sandrock
Benton County District Attorney
Benton County Courthouse
Corvallis, OR 97330