DAVE FROHNMAYER
ATTORNEY GENERAL
OF OREGON

JAMES E. MOUNTAIN, JR.
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

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

October 23, 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 October 19, 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.

Recently, we denied a petition you submitted under essentially identical circumstances. In our July 13, 1990, order we stated:

> "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."

Public Records Order, July 13, 1990, Hingson III, at 1.

In the present case, as you are aware, the documents you seek are subject to an October 5, 1990, order by Judge Brockley sealing the records. On October 16, Judge Brockley denied your motion to rescind that order. Therefore, for precisely the same reasons stated in our July 13, 1990, public records order, we deny your petition.

Sincerely,

James E Mountain Jr

for PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:RDW/bjs/9820G

c: James W. O'Leary
District Attorney
7 County Courthouse
Oregon City, OR 97045

James Shofner, Court Administrator
Clackamas County Courthouse
807 Main Street
Oregon City, OR 97045

Linda Zuckerman
Counsel to the State Court Administrator
Supreme Court Building
Salem, OR 97310

Honorable Sid Brockley
Circuit Judge
Clackamas County Courthouse
Oregon City, OR 97045