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July 19, 2001

Leslie I. Zaitz
The Oregonian
Press Room – Room 43
Capitol Building
Salem, OR 97310

Re: Petition for Public Records Disclosure Order:
Oregon Department of Education Records

Dear Mr. Zaitz:

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. We received the petition on June 28, 2001.[1] It requests the Attorney General to order the Oregon Department of Education (ODE) and its employees to disclose the following documents:

> [A]ny and all records of travel awards and frequent flier account records concerning Kate Dickson, Clark Brody, Nancy Heiligman, Joanne Flint, Merced Flores, Joyce Benjamin, Steve Johnson and Ron Dexter.

Superintendent Bunn informs us that that there are no records responsive to your request with respect to Kate Dickson or Clark Brody. Accordingly, we deny that portion of your petition because the Attorney General cannot order an agency to disclose records that do not exist.

As to the remaining employees, Supt. Bunn informs us that ODE does not have the requested records in its immediate possession, but that he is directing those employees to deliver to ODE any records that they have to the extent the records contain information on travel awards earned by the employees from state travel and any use of those awards.[2] Supt. Bunn. states that

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[1] We appreciate your extending the time in which the law would otherwise have required us to respond.

[2] Supt. Bunn informs us that these employees are currently unavailable and he has therefore been unable to ascertain whether records exist as to all of these employees.

ODE will provide those records to you. Because ODE has agreed to provide the requested information to the extent that it exists, we deny the remainder of your petition as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

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