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May 14, 2001

Mr. Jeff Sierzega
13395 Lower Island Road
Dayton, OR 97114

Re: Petition for Public Records Disclosure Order
Board of Licensed Professional Counselors and Therapists

Dear Mr. Sierzega:

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 May 3, 2001, asks the Attorney General to order the Board of Licensed Professional Counselors and Therapists (board) to disclose the record of the proceedings in its meeting of April 27, 2001, in the matter of the conduct of Ladonna Macomber, LPC in her custody study regarding your son, Ross Sierzega.

The Oregon Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions and limitations. ORS 192.420. Any person who has requested and been denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the record and to determine if it may be withheld. ORS 192.450(1).

On May 11, 2001, Carol Fleming, the board's Executive Director, informed Assistant Attorney General Alycia Sykora that the board has not received a request from you for the record of its April 27 meeting. Absent a request to and a denial by a state agency for public records,

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the Attorney General has no authority to order a state agency to disclose records. ORS 192.450(1). Accordingly, we deny your petition as premature.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

c: Carol Fleming, LBPCT Executive Director
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