HARDY MYERS
ATTORNEY GENERAL

DAVID SCHUMA
DEPUTY ATTORNEY GENER.

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97310-0506
Telephone: (503) 378-4400
TDD: (503) 378-5938

December 8, 2000

Janette Kent
210 Lake Oswego Summit
Lake Oswego, OR 97035

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

Dear Ms. Kent:

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 December 1, 2000, asks the Attorney General to order the Circuit Court of the State of Oregon for the County of Clackamas (court) to provide you with access to the "Case File" maintained by that court in the matter of *Kent v. Brune*. In particular, you request a "Certified Photocopy of document no. 1 entitled 'Transcript of Judgment.'"

Assistant Attorney General (AAG) Keith Kutler spoke with Linda Zuckerman of the State Court Administrator's Office regarding your petition, and Ms. Zuckerman provided AAG Kutler with information from Clackamas County Trial Court Administrator, James W. Shofner regarding the court's handling of your request. Mr. Shofner informed us that the requested records were available for review and photocopying on November 9, 2000. In addition, Mr. Shofner stated his understanding that an investigator working on your behalf, John Salter, reviewed the Case File on November 9, 2000, and received a certified copy of the Transcript of Judgment on that date.

It is our understanding from Mr. Shofner that he sent you a letter on December 6, 2000, inviting you to arrange to review the Case File and enclosing with his letter certified copies of those documents from the Case File that, as far as he understands, satisfies your request.

ORS 192.430(1) requires a custodian of public records to provide "proper and reasonable opportunities for inspection and examination of the records in the office of the custodian." The Attorney General may order a state agency to disclose records only when the agency has denied a request for records. ORS 192.450(1). In light of Mr. Shofner's December 6 letter to you,

confirming the court's willingness to provide you with the requested access and copies, and the certified copies enclosed with it, we deny your petition as moot.

Sincerely,

STEPHANIE L. STRIFFLER
Special Counsel to the Attorney General

AGS06055
c: Linda Zuckerman, State Court Administrator's Office