HARDY MYERS
ATTORNEY GENERAL

DAVID SCHUMAN
DEPUTY ATTORNEY GENERAL

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

May 26, 2000

Patrick L. Keeten
#11925589
Oregon State Penitentiary
2605 State Street
Salem, OR 97310

Re: ***Petition for Public Records Disclosure Order: Clackamas County Trial Court Records***

Dear Mr. Keeten:

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, for designated Clackamas County trial court records in case no. 96-1114. For the reasons that follow, we respectfully deny your petition.

Your petition, which we received on May 22, 2000, requests the Attorney General to order Wallace P. Carson and Ris Bradshaw to make available for inspection or copying certain identified records for case no 96-1114. You stated that Wallace P. Carson, Jr. (who is the Chief Justice of the Oregon Supreme Court) denied your request to inspect or copy the records on March 13, 2000.[1]

We understand from Bradd Swank of the State Court Administrator's office that you filed a petition at the Oregon Supreme Court and designated the records at issue in your public records petition as the record for purposes of the appeal. That designation itself was not considered a public records request, and no records were sent to you. The petition has since been denied and the records returned to Clackamas County. Chief

[1] Ris Bradshaw is the Clackamas County Sheriff. Our order does not address any request that may have been made for records in his custody. If a public records request for records in the custody of an elected official is denied by the elected official, this office has no jurisdiction, and the denial must be appealed in the appropriate circuit court. ORS 192.480. Likewise, if it were determined that Chief Justice Carson had denied your request for public records in his custody, the Attorney General would not order disclosure of those records because Chief Justice Carson is also an elected official. However, we have determined in this order that Chief Justice Carson did not deny a public records request.

Justice Carson has no record of receiving a specific records request from you or of denying any public records request.

Based on this information, we conclude that Chief Justice Carson has not denied your request. Under the Oregon Public Records Law, the Attorney General has authority to issue a public records order only to "any person *denied* the right to inspect or receive a copy of any public records of a state agency." ORS 192.450(1) (emphasis added). Accordingly, we respectfully deny your petition.[2]

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

AGS04877
c: Bradd Swank, Oregon Judicial Department
Ris Bradshaw, Clackamas County Sheriff.

[2] If you wish to obtain copies of records from your file, you will need to direct your request to the custodian of the circuit court records, the Clackamas County Trial Court Administrator. Unless particular records are exempt from disclosure, copies will be provided upon payment of appropriate copy charges.