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November 2, 1994

Rick Bella, Staff Writer
THE OREGONIAN
1320 SW Broadway
Portland, OR 97201-3499

Re: *Petition for Public Records Disclosure Order:*
Board of Medical Examiners Records

Dear Mr. Bella:

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 31, 1994, asks the Attorney General to direct the Board of Medical Examiners (board) to provide certain records concerning the separation of James Delbert Philips from his job as investigator for the board. For the reasons that follow, we respectfully deny your petition.

The Attorney General may order a state agency to disclose records only where the agency has first denied a request for records. ORS 192.450(1). In this case, you informed Mr. Sundermier, counsel for the board, that you have not made a records request to the board. Absent a public records request to, and a denial by, a state agency, the Attorney General lacks authority to order disclosure. Accordingly, your petition is denied.

Mr. Sundermier has agreed to forward your request, by copy of this letter, to the board where we understand it will be treated as a public records request.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel
to the Attorney General

ESH:PJS:ARK:ark:jpl/jaa014ac
c: Ms. Kathleen Haley, Executive Director
Board of Medical Examiners
1500 SW First, Suite 620
Portland, OR 97201 (w/enc)