JOHN R. KROGER
ATTORNEY GENERAL

MARY H. WILLIAMS
DEPUTY ATTORNEY GENERAL



DEPARTMENT OF JUSTICE

1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400

December 16, 2009

Matt McDonald
KOHD News
63049 Lower Meadow Drive
Bend, OR 97701

RE: Petition for Public Records Disclosure Order:
Oregon Liquor Control Commission Record

Dear Mr. McDonald:

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 your petition on December 9, 2009. The petition asks the Attorney General to direct the Oregon Liquor Control Commission to make available "documents relating to the Department of Justice's investigation into OLCC's operation and personnel in Bend." On December 3, 2009, you had asked OLCC to provide you with

> documents received by the Oregon Liquor Control Commission (further referred to as OLCC) from the Oregon Department of Justice regarding the investigation and/or review of the activities of OLCC's office in Bend and it's management. In addition, any documents relating to actions taken by the OLCC as a result of the investigation and/or review [by DOJ].

We respectfully deny your petition as moot.

The Oregon Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. A custodian of public records must provide "proper and reasonable opportunities for inspection and examination. *See* ORS 192.430. If a state agency denies a request for disclosure of records, the requestor may petition the Attorney General for review of the denial. However, the Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. *See* ORS 192.450(1).

Your petition states that, as of the date of your petition, you had not received the requested records. We spoke with Gail Parnell, the OLCC Human Resources Director, about your petition. She told us that on December 16, 2009, the OLCC provided you with the only record in its custody that is responsive to your request. As a result, your petition is moot. We respectfully deny your petition on that basis.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

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c: Gail Parnell, Director of Human Resources, Oregon Liquor Control Commission