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DEPARTMENT OF JUSTICE
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July 9, 2009

Loma-Marie Wharton
1224 N.E. Walnut #366
Roseburg, OR 97470

Re: Petition for Public Records Disclosure Order:
Oregon Secretary of State Corporation Division

Dear Ms. Wharton:

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 July 2, 2009, asks the Attorney General to direct the Secretary of State to provide the following records:

> [T]he positive and **certified** identification and address of the registered agent for the corporation styled as "OREGON STATE POLICE" or "OREGON STATE TROOPER", * * * organized and thereby registered to do business within "this state" or the STATE OF OREGON * * *.

(Emphasis in original.) For the reasons that follow, we respectfully deny your petition.

The 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. Any person who is denied the right to inspect or to receive a copy of any public record for which a state agency is the custodian may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450(1). 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).[1]

[1] Your petition asks that we order disclosure by the Secretary of State "or which other office holds such documents." Because you have not contended that any other state agency has denied your request, we lack authority to issue an order with regard to an agency other than the Secretary of State. In any event, because a record satisfying your request is not required by law, no other state agency would have custody of such a record.

We have conferred with Tom Wrosch, Commercial Registry Manager for the Secretary of State's Corporation Division. Although the Secretary of State's correspondence with you did not say this in so many words, Mr. Wrosch informed us that the Secretary of State has no records in its custody satisfying your request.[2] Of course, that is because the Oregon State Police is not required to register as a business with the Secretary of State. Because the records requested do not exist, we respectfully deny your petition as moot. *See* Public Records Order, March 31, 2005, Doughton (denying as moot a petition seeking nonexistent records).

Sincerely,

DAVID E. LEITH
Associate Attorney General

DM1493046
c: Tom Wrosch, Commercial Registry Manager, Secretary of State

[2] The Secretary of State's records do include an inactive registration in a name similar to your request. That record is not within your request, however, because it does not relate to an active registration. The existing record also does not relate to the Oregon Department of State Police.