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DEPARTMENT OF JUSTICE
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January 15, 2009

William Birhanzl
707 Main Street, Suite 202
Oregon City, OR 97045

Re: Petition for Public Records Disclosure Order:
Clackamas County Circuit Court Records

Dear Mr. Birhanzl:

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 was sent via email to Sharon Stuart, a staff member in the Civil Enforcement Division of the Department of Justice, on December 16, 2008. The Attorney General has established a procedure for submitting petitions for Public Records Orders to the Attorney General's central office via facsimile or mail. See http://www.doj.state.or.us/pros/pub_records_pet.shtml (viewed on January 12, 2009). You did not submit your petition in conformity with that policy, and consequently the petition did not reach the appropriate people within DOJ until Thursday, January 8, 2009. As a result, we treat your petition as received on that date.

In your petition, you ask the Attorney General to direct the Clackamas County Trial Court Administrator to make available for inspection and copying:

> Statutory or other authority for your office upon receipt of this case file (08-2410 "State of Oregon v. William Birhanzl") to have relinquished the same to the Clackamas County District Attorney (as opposed to setting it for further proceedings in the circuit court).

For the reason that follows, 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. 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 request for a statement of the Clackamas County Circuit Court's "statutory or other authority" for its actions is not a request for a public record, but a request that the court answer your question regarding the lawfulness of the court's action. Because the Clackamas County Circuit Court has not denied a public records request, we respectfully deny your petition.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

DM1244560
c: Nori J. McCann Cross, Special Counsel,
Office of the State Court Administrator
Mari L. Miller, Clackamas County Trial Court Administrator