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June 5, 2007

Ron Ledbury
4522 N.E. Cully
Portland, OR 97218

Re: Petition for Public Records Disclosure Order:
Oregon Student Assistance Commission Records

Dear Mr. Ledbury:

This letter is the Attorney General's order on your petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your letter, which we received on May 29, 2007, states that you had "recently called the Oregon Student Assistance Commission (OSAC) to find out how to locate and review the Intergovernmental Agreement(s) between them and the Federal Department of Education," and that and OSAC employee had informed you that "everything related to student loans had been ordered by the Federal Department of Education to be transferred to a private entity, and that they retained nothing."[1]

For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450. However, the Attorney General does not have authority to order disclosure of public records unless the agency has denied a request for those records.

[1] In your letter, you maintain that your request to review the intergovernmental agreements "is not the proper subject of a formal 'public records request.'" However, you contend in essence that you have been denied an opportunity to inspect the records and you seek to enlist the assistance of the Department of Justice in securing that opportunity. Since the only mechanism for doing so is through the Public Records Law, we treat your letter as a petition for a disclosure order under that law.

We have conferred with Dennis R. Johnson, OSAC's Executive Director, who has informed us that OSAC and its attorney have identified records in OSAC's custody that may be responsive to your request, and will contact you within 5 days of the date of the order to arrange an opportunity for you to inspect the records.

Because OSAC has agreed to make the records available for your inspection, we deny your petition as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS19769
c: Dennis R. Johnson, Executive Director, Oregon Student Assistance Commission