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DEPARTMENT OF JUSTICE

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April 10, 2007

Nick Shevchynski
2445 Skyline Blvd.
Eugene, OR 97403-2181

RE: Petition for Public Records Disclosure Order:
Lane County Circuit Court Records

Dear Mr. Shevchynski:

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 April 3, 2007. The petition asks the Attorney General to direct the Lane County Trial Court Administrator to make available for inspection the court file in Lane County Circuit Court Case no. 16-06-07152. For the reasons that follow, we respectfully deny your petition.

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. 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 you were denied the right to inspect the court file by the circuit court staff. We have conferred with Nori Cross of the office of the State Court Administrator, and she informs us that the court staff told you that the file's location needed to be determined before it could be made available. Under ORS 192.430(1), a records custodian need provide only "proper and reasonable opportunities for inspection and examination of the records." In this case, the custodian did not deny the opportunity to inspect the records, but simply informed you that the record's location would have to be determined before it could be made available for inspection. Since you made your request, the file has been located, and you may contact the court's Record Center at your convenience to make arrangements to inspect the file.

Because the Trial Court Administrator's office did not deny your request to inspect the record, our office lacks authority to order disclosure. ORS 192.450(1). We respectfully deny your petition to compel disclosure as premature.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS19547
cc: Nori Cross, Office of the State Court Administrator
David Factor, Lane County Trial Court Administrator