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November 24, 2006

Deryl Nielson Esq.
Deryl K. Nielsen, P.C.
P.O. Box 5944
Salem, Oregon 97304

Dear Mr. Nielson:

You submitted a petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Last week, we responded to your petition in an order erroneously dated November 17, 2002. That order should have been dated November 17, 2006. Enclosed is an original of a substitute bearing the correct date. My apologies for any confusion induced by the error on our original order.

Sincerely,

Peter D. Shepherd

PETER D. SHEPHERD
Deputy Attorney General

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November 17, 2006

Deryl Nielsen Esq.
Deryl K. Nielsen, P.C.
P.O. Box 5944
Salem, Oregon 97304

Re: Petition for Public Records Disclosure Order:
Oregon Commission for the Blind

Dear Mr. Nielsen:

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 November 13, 2006, asks the Attorney General to direct the Oregon Commission for the Blind (OCB) to make available for inspection, or to produce copies of "[a]ny court order, OCB order, or other OCB authorization allowing or directing others to take action to drill locks associated with Mr. Art Stevenson's Multnomah county Vending Route and his vending machines." 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. 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.

Your petition states that you had not received any of the requested records from OCB. We spoke with Mr. Ray Milojevich, Director of the Business Enterprise Program, about your petition. He told us that OCB has no records responsive to your request. Because OCB cannot produce copies of records that do not exist, we deny your petition as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

cc: Ray Milojevich, Director, BEP
Linda Mock, Administrator, OCB

AGS18780