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September 8, 2006

Jeff Merrick, PC
4800 SW Meadows Rd, Ste 300
Lake Oswego, OR 97035

Dear Mr. Merrick:

Your petition dated August 31, 2006, which we received on August 31, 2006 via fax, asks the Attorney General to order the Office of Speaker of the House, Karen Minnis, to make available for inspection the calendars of the individuals outlined in your request dated August 21, 2006 for the specified timeline.

Under the Public Records Law, when a petition to inspect or copy public records concerns records that are in the custody of an elected official, or in the custody of any other person but as to which an elected official claims the right to withhold disclosure, the Attorney General lacks jurisdiction to consider the petition. ORS 192.480. Speakr Minnis' status as an elected official precludes the Attorney General from considering your petition. The Public Records Law imposes the same limitation on a district attorney's authority to consider a petition. *Id.*

Under ORS 192.480, the recourse available to a person whose request for disclosure of public records in the custody of an elected official has been denied is to institute proceedings in the appropriate circuit court to seek review of the denial. We deny your petition due to Speaker Minnis' status as an elected official.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

cc: Speaker Minnis
Anne Boss, Legislative Counsel

AGS18384