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DEPARTMENT OF JUSTICE

Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

July 21, 1987

Darrell W. Martin
3617 Carmelle Court NE
Salem, Oregon 97305

Re: Public Records Request

Dear Mr. Martin:

On July 15, 1987, this office received your "request for assistance" in obtaining copies of Senate committee minutes. Your July 14, 1987 request is the latest in a series of at least four similar letters. This is at least the second occasion in which it is questionable whether the public custodian of records you seek has in fact previously denied an application for public disclosure presented by you. However, as on prior occasions, we can assure you that the documents you seek are available for your inspection and, upon payment of appropriate costs, for photostatic copying.

You presently seek copies of minutes of all or portions of twelve meetings of the Senate Labor Committee. These minutes are public records and are not exempt from disclosure under the Public Records Law. Ms. Aanderud of the Senate Committee Liaison's office did not deny your request to examine these records; she always intended to produce these records after they were prepared in the appropriate matter. The documents now have been prepared. You may inspect the original minutes at the State Archives; you may inspect copies of the minutes at Ms. Aanderud's office.

For your information, we do not interpret the Public Records Law as requiring public officials to reduce certain officials acts to written form. The Public Records Law requires public officials to make available for inspection non-exempt public records that previously have been reduced to written or comparable form. In this case, it appears to us

that Ms. Aanderud was in the process of preparing the minutes, while performing other responsibilities, when you approached her with a request for immediate disclosure of the minutes. We interpret the Public Records Law as allowing Ms. Aanderud the time reasonably necessary "for the protection of the records and to prevent interference wtih the regular discharge of her duties." ORS 192.430.

We conclude Ms. Aanderud's handling of your request comported with the Public Records Law and that she did not deny your request. Nevertheless, as noted above, the records you seek are available for your inspection. We would appreciate your patience and understanding if similar situations arise in the future.

Sincerely,

James E. Mountain Jr.

JAMES E. MOUNTAIN, JR.
Special Counsel to the
Attorney General

JEM:cm
cc: Robert Muir, Assistant Atorney General
Kris Aanderud