Kelly Carlson

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December 20, 2005

Jan Karius
15385 SW Division St
Beaverton, Or 97007

Re: Petition for Public Records Disclosure Order:
Public Employees Retirement System Records

Dear Mr. Karius:

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 December 14, 2005, asks the Attorney General to order the Public Employees Retirement System (PERS) and its employees to make available for inspection, or to produce copies of the calculations crediting your PERS account for a military "buy back" dating back to 1987 and 1991. You state that PERS has failed to respond to your request, and you suggest that this failure constitutes a denial of your request.

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. *See* ORS 192.450(1).

Your petition, dated December 12, 2005, states that you had not received the calculations and documentation you requested from PERS. We spoke with Brendalee Wilson, a manager at PERS, about your petition. She told us that PERS will send you the records responsive to your request prior to December 23, 2005. These documents primarily comprise screen prints of the computer records of your PERS account. As of the date of this letter PERS could not find the calculation checklist you referred to during your telephone conversation with Senior Assistant

Attorney General Joseph Dunne. We understand you have spoken with Mr. Joe Delillo of PERS concerning your request, and PERS is taking steps to send you copies of what documents it has. Because PERS has agreed to disclose the requested records, we deny your petition as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

PDS/gvk:AGS16661
cc: Brendalee Wilson, PERS