DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

WILLIAM F. GARY
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

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

August 13, 1987

BENNETT HALL
Editor
CHRIS BRISTOL
Managing Editor
Vanguard
Portland State University
P. O. Box 751
Portland, OR 97207

Re: Request for Public Records Disclosure Order

Dear Editors:

This letter responds to your petition, dated August 6, 1987, for an Attorney General's public records disclosure order. We received your petition on August 7, 1987. You ask us to order officials at Portland State University (PSU) to make available for inspection purchase orders and departmental purchase requests relating to the purchase of furniture, appliances and other housewares for the residence of the University President. For reasons stated below, we deny your petition as premature but subject to being renewed after PSU completes its action on your original request to the university for disclosure.

In reviewing Vice President Edgington's letter of August 5 to Mr. Hall, which responded to your original records request, we questioned whether his response was in fact a denial of your request. We contacted Vice President Edgington and determined that he has instructed employes to research and make the records available to you.

Please be advised that under the Public Records Law, a public body is required to provide you a reasonable opportunity to inspect non-exempt public records. We interpret the term "reasonable opportunity" as affording the university the authority to seek legal advice on a disclosure request and to take appropriate steps to gather the requested records, protect the integrity of those records, and prevent interference with

the regular discharge of official duties. The university was in the process of taking these steps to respond to your original request when you filed your petition for an Attorney General's order. Accordingly, we find your request of us to be premature.

We are not authorized to act on a public records petition until a state agency has denied a request for disclosure. See ORS 192.450(1). Because the university was, and now is, acting on your inspection request, the university has not denied your original request. We therefore lack authority to grant your petition for a public records disclosure order directed to university officials. If, after receiving or inspecting the records in question, you believe that you in fact have been denied some part of your request, you may at that time renew your petition for an Attorney General's order.

Sincerely yours,

James E. Mountain Jr.

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

JEM:ti
0673a
cc: Roger Edgington