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November 4, 2005

Jeff Merrick
12329 SW 34th Avenue
Portland, OR 97219

Re: Petition for Public Records Disclosure Order:
Bureau of Labor and Industries Records

Dear Mr. Merrick:

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 2, 2005, asks the Attorney General to direct the Bureau of Labor and Industries (Bureau) to make available for inspection seven categories of records related to former Labor Commissioner Jack Roberts. For the reasons that follow we respectfully deny your petition.

Your petition states that you made your request on October 18, 2005, and that, because you had not received a response as of the date of your petition, November 1st, you assumed that the Bureau had "rejected" your request.

We spoke with Marcia Ohlemiller, who acts as records custodian for the Bureau, about your petition. She told us that she sent a preliminary response to your request on October 31, 2005. Ms. Ohlemiller's letter addresses each category of requested records, identifying the likelihood of whether the Bureau holds such records and raising the issue of costs associated with producing them. The letter concludes by noting that the Bureau considers your request "to be open until each category is addressed." Also in the final paragraph, Ms. Ohlemiller states that she will update you as the Bureau gathers information relevant to your request.

Because the Bureau has not denied your request, but is in the process of responding, the Attorney General lacks authority to order disclosure. ORS 192.450(1). For this reason, we deny your petition.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

PDS/gvk:AGS16421
c: Marcia Ohelmiller, BOLI