6/27/05 — Dave Hicks
✓ Kelly Carlson
— Steve Wolf
CL.

HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

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June 24, 2005

Charles W. Fleser
P.O. Box 199
Wallowa, OR 97885

Re: Petition for Public Records Disclosure Order:
Oregon Parks and Recreation Department Records

Dear Mr. Fleser:

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 June 17, 2005, asks the Attorney General to direct the Oregon Parks and Recreation Department (OPRD) to make available all written documentation made by Wallowa Lake Manager Chris Parkins or State Parks Region 6 Manager Rick Taylor regarding phone conversations with Mr. Jim Horn about you or your employment with OPRD.

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. Any person who is denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450(1). 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).

In your petition, you state that your request had been denied by Wallowa Lake Manager Chris Parkins, and by Deb Robertson of OPRD's Personnel and Safety Services. We spoke with both individuals about your petition. Mr. Parkins told us that he did not deny your request but that he referred you to Ms. Robertson. Ms. Robertson told us that she asked you to make your request to us. However, she also told us that she referred you to this office based on a misunderstanding about the mechanism for processing and responding to public records requests, and did not intend the referral to be a *denial* of your request. Ms. Robertson told us that OPRD will respond to your request and provide copies of non-exempt records within seven days of the date of this order.

Because OPRD, agreeing to disclose any responsive non-exempt records, has not denied your request, we deny your petition as premature.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

PDS/gvk:AGS15713
cc: Chris Parkins, Wallowa Lake Manager
Rick Taylor, State Parks Region 6 Manager
Deb Robertson, Personnel & Safety