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February 3, 2005

Mr. Lemuel Hentz, SID #6750414
Snake River Correctional Institution
777 Stanton Boulevard
Ontario, OR 97914

Re: *Petition for Public Records Disclosure Order:*
Department of Administrative Services Records

Dear Mr. Hentz:

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 January 31, 2005, asks the Attorney General to direct the Department of Administrative Services (DAS) to provide you with the "complete pay record for service render[sic] by Charles H. Turner, as a pro tem Judge for the Circuit Court of the State of Oregon for the period of April 23, 1996 to July 12, 1996." For the reasons that follow, we respectfully deny your petition.

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. Under ORS 192.450, the Attorney General may order a state agency to disclose public records when the agency has denied any person the right to inspect or receive a copy of the records. The Attorney General does not have authority to order disclosure of public records unless the agency has denied a request for those records. *Id.*

Your petition states that you made a request for the above records on January 7, 2005, and asks that the Attorney General specifically order the DAS "records manager" located at 1225 Ferry Street SE, Salem, Oregon, to disclose the records to you. We contacted Collier McCoid, Executive Assistant to the DAS Director, about your petition. Ms. McCoid is responsible for

tracking public records requests received by DAS. Ms. McCoid has told us that she can find no record of DAS having received a public records request from you as outlined in your petition. Because DAS has not received a request for records, and therefore cannot be said to have denied a request, we deny your petition as premature.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

MAB:AGS15054
c: Collier McCoid, Executive Assistant to the Director, DAS
Sharon McKeehan, Manager, Oregon Statewide Payroll Services, DAS