ELLEN F. ROSENBLUM
ATTORNEY GENERAL

MARY H. WILLIAMS
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-4400

May 22, 2013

Ms. Mary Swartzlander
PO Box 1034
Veneta, OR 97487

Re: Petition for Public Records Disclosure Order
Oregon Department of Agriculture
603010-GA0041-13

Dear Ms. Swartzlander:

This letter is the Attorney General's order in response to your petition asking us to direct the Oregon Department of Agriculture (ODA) to disclose certain public records to you. Specifically, you sought "documents either produced or received by the [Natural Resources Conservation Service] or the Siuslaw Soil and Water Conservation District" pertaining to specific tax lots and Bonneville Power Administration property. By a letter to you dated January 16, 2013 John Byers of ODA explained that at least some of the documents you sought were in the custody of the Siuslaw Soil and Water Conservation District (Siuslaw SWCD) and provided you with information about requesting the documents from that public body. Your letter indicates that Siuslaw SWCD offered to let you inspect the files at issue, but declined to provide you with copies. Oregon law generally permits public records requesters to obtain copies of records, though they may be required to pay associated fees. ORS 192.440(1)(a) and (4). But we cannot order ODA to disclose public records in the custody of Siuslaw SWCD. Consequently, we respectfully deny your petition. Although Siuslaw SWCD is a public body, it is not a state agency. Thus we cannot order Siuslaw SWCD to provide you with the copies you have requested. *See* ORS 192.460 (explaining how to proceed if a request is denied by public bodies other than state agencies).

Sincerely,

Mary H. Williams
Deputy Attorney General

MCK:bwl/4260445-v1
c: John Byers, ODA
Johnny Sundstrom, Siuslaw SWCD