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Salem, Oregon 97310
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October 16, 1987

Walden Kirsch
KGW-TV News
1501 Jefferson Street
Portland, OR 97201

Dear Walden:

This letter responds to your public records petition, dated October 13, 1987. You ask the Attorney General to order the Oregon Health Division to allow you to inspect records relating to studies and rankings of Portland-area hospitals for designation as trauma centers. We respectfully deny your request at this time on the grounds that the Health Division has not made a final decision whether to grant you access to the records you seek.

We received your public records petition on October 16, 1987. On the same date, the Department of Justice also received a request from the Health Division to analyze information on designation of trauma hospitals and advise the Division whether the Public Records Law requires release of the information to the public. Our conversations with Nancy Clarke, Section Manager of the Emergency Medical Services Section, lead us to conclude that the Health Division has not made a decision regarding whether this information you seek can or should be disclosed.

ORS 192.450 provides that any person denied the right to inspect public records in possession of a state agency may petition the Attorney General to review the agency's decision to withhold the record from public inspection. Absent an agency's decision to withhold information, this office has no authority to order inspection of public records.

We will review the information submitted to us as expeditiously as possible and provide our recommendation to the Health Division. We also will review any petition you choose to submit after the Health Division has made a final decision. If you have any questions, feel free to contact me at 378-6002.

Sincerely,

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

JEM:pl
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cc: Kristine Gebbie, Administrator, Health Division