ELLEN F. ROSENBLUM
ATTORNEY GENERAL

FREDERICK M. BOSS
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

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

July 3, 2014

Kenneth Thunderbird
SID #3525722
Oregon State Correctional Institution
3405 Deer Park Drive
Salem, OR 97301

RE: Petition for Public Records Disclosure Order:
*Lane County Circuit Court Records*
DOJ File No. 198040-GA0074-14

Dear Mr. Thunderbird:

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 26, 2014, asks the Attorney General to order the Lane County Circuit Court to provide copies of documents in a trial court file involving Christopher Blaine Boots, Case No. 16-95-10655. 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. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to determine whether the record may be withheld. ORS 192.450(1).

In this case, the staff at the Lane County Circuit Court is prepared to provide you with a copy of the requested record, but informed you that the cost of providing the copy would be $3.10 for copying and postage. You requested that the fee be waived based on your claim of indigence. Lane County Circuit Judge R. Curtis Conover denied your petition for fee waiver by an order dated May 13, 2014. You were informed of that denial. The circuit court staff has no record of any subsequent requests for copies of records.

Because your fee waiver request was denied by Judge Conover, an elected official, the matter cannot be reviewed by the Attorney General. Under the Public Records Law, when a

petition to inspect or copy records concerns records that are in the custody of an elected official, or in the custody of any other person but as to which an elected official claims the right to withhold disclosure, the Attorney General may not consider the petition. ORS 192.480. Per ORS 192.440(6), "The Attorney General, the district attorney and the court have the same authority in instances when a fee waiver or reduction is denied as it has when inspection of a public record is denied." The person requesting the record must institute proceedings in the appropriate circuit court to seek review of an elected official's denial of a right to receive a copy of the public record. Accordingly, we deny your petition.

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

cc via email only:
Judge R. Curtis Conover, Lane County Circuit Court Judge
Elizabeth Rambo, Lane County Trial Court Administrator
Joshua Nasbe, Staff Counsel, Executive Services, Office of the State Court Administrator