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November 2, 2010

R. Skates
233 Rogue River Hwy, #199
Grants Pass, OR 97527

Re: Petition for Public Records Disclosure Order:
Oregon Racing Commission

Dear R. Skates:

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. We received your petition on October 25, 2010. The petition asks the Attorney General to direct the Oregon Racing Commission to disclose investigative reports concerning "illegal conduct" occurring at Grants Pass Downs during the 2010 racing season.[1]

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. A person "denied the right to inspect or to receive a copy of any public record of a state agency" may petition the Attorney General for review of the denial. ORS 192.450(1). Thus, by its terms, ORS 192.450(1) authorizes the Attorney General to order a state agency to disclose records only when the agency has "denied" a records request.

Your petition, dated October 22, 2010, states that the racing commission did not provide the records you requested. Oregon Racing Commission Executive Director Randy Evers informs us that, on September 21, 2010, he sent you all of the records in the Racing Commission's possession responsive to your request. The Public Records Law does not require public bodies to answer interrogatory questions. Nor does it require public bodies to have any particular records. We respectfully deny your petition because the Racing Commission has not denied your request.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

DM2342272
c: Randy Evers, Executive Director, Oregon Racing Commission

[1] While the petition itself does not reveal the nature of the records you are seeking from the Oregon Racing Commission, it refers to letter dated July 20, 2010 that does.