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July 19, 2010

William Birhanzl
109 10th Street
Oregon City, OR 97045
birhanzl@gmail.com

Re: Petition for Public Records Disclosure Order:
*Clackamas County Circuit Court Records*

Dear Mr. Birhanzl:

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, which was emailed to our office on Saturday, July 10, 2010, and opened on Monday, July 12.

Your petition asks the Attorney General to direct the Clackamas County Trial Court Administrator to make available for inspection and copying "Oregon City Municipal Court Misdemeanor Case file 09-2254, (Criminal Trespass in the second degree, incident date July 8, 2009) "State of Oregon v. William Birhanzl" that transferred from Oregon Municipal Court to Circuit Court". For the reason that follows, 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. If a state agency denies a request for disclosure of records, the requestor may petition the Attorney General for review of the denial. However, the Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. *See* ORS 192.450(1).

We corresponded with the Clackamas County Trial Court Administrator about your petition. She confirmed that the Clackamas County Circuit Court does not possess the records

you seek. The Attorney General cannot order a public agency to disclose records that are not in its custody. As a result, we respectfully deny your petition.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

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c: Mari L. Miller, Clackamas County Trial Court Administrator