DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

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WILLIAM F. GARY
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DEPARTMENT OF JUSTICE

Justice Building
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Telephone: (503) 378-4400

July 10, 1986

Bruce E. Anderson
Attorney at Law
1801 Adams Avenue
P.O. Box 1538
LaGrande, Oregon 97850

Re: Public Records Request

Dear Mr. Anderson:

This office received your July 1, 1986 Petition for Order to Produce Public Records on July 3, 1986. This letter is our response to your petition.

The Attorney General has no authority under the Public Records Disclosure Law, ORS 192.410 et seq. to grant your petition. Your petition "request[s] the Attorney General to order Union County, its agents and employees, to produce copies of the following records. . . ." The Attorney General has no jurisdiction to order a county governing body to disclose county records.

ORS 192.450(1) grants the Attorney General the power to order inspection of public records of a state agency. For the purposes of the Public Records Disclosure Law, a county governing body is not a "state agency." Compare ORS 192.410(1) with ORS 192.410(2). A person denied inspection or copying of records of a public body other than a state agency should petition the appropriate local district attorney for an order granting disclosure. ORS 192.460. Procedures for judicial review of a district attorney's public records order are set forth in ORS 192.460, 192.465(2) and 192.490. See also, ORS 192.480 (outlining procedure for review of elected official's denial of disclosure).

If you have any questions, please contact me.

Very truly yours,

James E. Mountain Jr.

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

JEM:cm
cc: Dale Mammen, Union County Counsel
The Honorable Kenneth C. Hadley, Baker County District Attorney
The Honorable Russell B. West, Union County District Attorney