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DEPARTMENT OF JUSTICE

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March 19, 2010

Maxine Bernstein, Staff Writer
The Oregonian
1320 SW Broadway
Portland OR 97201-3499

Re: Petition for Public Records Disclosure Order:
Oregon State Police, Office of the State Medical Examiner's Records

Dear Ms. Bernstein:

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 March 12, 2010, asks the Attorney General to order the Office of the State Medical Examiner to provide you with a copy of the Medical Examiner's records relating to the death of Aaron Campbell, who was shot and killed by a Portland police officer. We respectfully deny your petition because it is moot.

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).

Your petition, dated March 12, 2010, states that the Office of the State Medical Examiner denied your original request dated February 17, 2010. We have conferred with Eugene Gray, Forensic Administrator, about your petition. Mr. Gray informs us that the State Medical Examiner will provide you with the requested documents upon the prepayment of the $25.00 fee set out in the agency's fee schedule. Mr. Gray states that he sent you a letter to that effect on March 16, 2010. The Public Records Law expressly authorizes a public body to establish fees reasonably calculated to reimburse the public body for its actual costs of making the public records available. ORS 192.440(4)(a). In addition, the public body may require prepayment of its fees before taking further action on a request. ATTORNEY GENERAL'S PUBLIC RECORDS AND PUBLIC MEETINGS MANUAL (2008) at 15.

Because the Office of the State Medical Examiner has agreed to release the records responsive to your request upon payment of its fees, your petition is moot. We respectfully deny it on that basis.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

DM1949048
c: Eugene Gray, Forensic Administrator, Office of the State Medical Examiner