JOHN R. KROGER
ATTORNEY GENERAL

MARY H. WILLIAMS
DEPUTY ATTORNEY GENERAL

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

January 25, 2011

J.F. Ouderkirk, Attorney at Law
Ouderkirk & Hollen
P.O. Box 1167
Newport, OR 97385

Re: Public Records Disclosure Order:
Department of Human Services Records

Dear Mr. Ouderkirk:

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 January 18, 2011. The petition asks the Attorney General to direct the Department of Human Services (DHS) to make available:

1. The complete DHS record for Kammie Hash aka Flower; and

2. The complete DHS record for Jennifer Blevins.

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. A custodian of public records must provide "proper and reasonable opportunities for inspection and examination." *See* ORS 192.430. 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 January 12, 2011, states that you asked Lincoln County Deputy District Attorney Jonathon Cable for permission to "inspect and/or copy" these records. However, DHS—not the Lincoln County District Attorney—is the custodian of the records for purposes of ORS 192.430. DHS representative Caroline Burnell informs us that as of this date,

you have not requested this information from the agency. Thus, we respectfully deny your petition as premature.

Sincerely,

KEITH S. DUBANEVICH
Chief of Staff and Special Counsel
to the Attorney General

DM2492758
c: Caroline Burnell, DHS/CAF