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MARY H. WILLIAMS
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DEPARTMENT OF JUSTICE

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July 10, 2012

Richard Ellmyer
9124 N. McKenna Ave.
Portland, OR 97203
ellmyer@macsolve.com

Re: Petition for Public Records Disclosure Order
Legislative Counsel

Dear Mr. Ellmyer:

On July 3, 2012, we received your petition asking the Attorney General to issue an order under ORS 192.450 directing State Representative Dennis Richardson to provide certain email addresses you requested under the Oregon Public Records Law. You assert that the fee estimate generated in response to your request is unreasonable and effectively denies you public records request. We respectfully dismiss your petition because the Attorney General lacks jurisdiction to consider it.

The fee estimate that is the subject of your complaint was transmitted to you by legislative administrative officers on behalf of Representative Richardson's office. Because Representative Richardson is an elected official, ORS 192.480 deprives the Attorney General of jurisdiction to hear your dispute:

> In any case in which a person is denied the right to inspect or to receive a copy of a public record * * * in the custody of any other person but as to which an elected official claims the right to withhold disclosure, no petition to require disclosure

may be filed with the Attorney General * * * or if a petition is filed it shall not be considered by the Attorney General * * *.

ORS 192.480 requires us to dismiss your petition.

Sincerely,

MARY H. WILLIAMS
DEPUTY ATTORNEY GENERAL

c: The Honorable Dennis Richardson
Dexter A. Johnson, Legislative Counsel
Scott Burgess, Legislative Administrator