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April 16, 2012

Via Email Only

Lewanda Miranda
775 SE Second Street
Prineville, OR 97754
lewandamiranda@q.com

Re: Petition for Public Records Disclosure Order
Oregon Commission for the Blind

Dear Ms. Miranda,

This letter is the Attorney General's response to your petition seeking an order compelling the Oregon Commission for the Blind ("commission") to disclose certain public records. We initially received the petition on April 6, 2011; that petition came from "Oregon BECC" by way of the email address oregonbecc@q.com, and you signed the petition in your capacity as administrative assistant for Oregon BECC. "Oregon BECC" is an acronym for the Oregon Business Enterprise Consumer Committee. As Assistant Attorney General Michael C. Kron explained to you in an email on April 9, Oregon BECC is an advisory committee to the commission; it is therefore a public body that cannot use the Oregon Public Records Law, ORS 192.410 to 192.505, to compel another public body to disclose public records. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2011) at p. 1.

Also on April 9, you replied to Mr. Kron's email using the email account lewandamiranda@q.com, explaining that the petition was made in your personal capacity. Mr. Kron then explained that individuals can use the Public Records Law even when they are affiliated with public bodies, but invited you to provide information explaining why the commission should have understood that the material in question had been requested in an individual capacity. You did not respond to Mr. Kron's request.

After reviewing the various correspondence with the commission that you provided in connection with your petition, we deny your petition because we conclude that you never requested these records in your personal capacity. Every communication addressed to the commission that relates to the request at issue contains a clear indication that the correspondence

is coming from Oregon BECC. Many are signed, simply, "Oregon BECC." The others are signed "Randy Hauth Becc Chairman."

Because you have not personally requested these records, you cannot personally seek an order of the Attorney General that would compel their disclosure to you. ORS 192.450(1) (right to petition Attorney General is conferred on "any person denied the right to inspect or to receive a copy of any public record"). Your petition is respectfully denied.

We understand that the commission is working with Oregon BECC to provide the latter with the information that it is seeking. Hopefully Oregon BECC and the commission will be able to resolve these issues collegially. In any event, however, Oregon BECC cannot use the Public Records Law to compel the commission to disclose public records.

Sincerely,

MARY WILLIAMS
Deputy Attorney General

MHW:smg/3339723-v1
c: Linda Mock, Commission for the Blind
Art Marshall, Commission for the Blind
Leslie Jones, Commission for the Blind