DAN RAYFIELD
ATTORNEY GENERAL

LISA M. UDLAND
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-6002

July 1, 2025

William Frank Osborne
SID# 22559896
3920 E. Ashwood Rd.
Madras, Oregon 97741

Re: Petition for Public Records Disclosure Order
Oregon Judicial Department
DOJ File No.: 198040-GA0090-25

Dear Mr. Osborne:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Oregon Judicial Department (OJD) to disclose transcripts of hearing records from the Umatilla County Circuit Court. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). The law is a disclosure law and exemptions from disclosure must be express. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.411(1). The agency carries the burden to sustain its actions. ORS 192.411(1).

In response to your petition, we contacted Sam Dupree, Senior Assistant General Counsel for OJD. He explained that OJD did not receive a public records request from you. Mr. Dupree provided us with a copy of a "Motions for Transcripts at Public Expense" you filed with the Umatilla County Circuit Court. This motion was denied by Circuit Court Judge Meerdink who indicated on his order that "petitioner can follow public records procedure." Mr. Dupree stated that OJD has agreed to treat your petition to the Attorney General as a written request for the records you are seeking

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Under the circumstances, we cannot conclude that OJD denied a public records request for the records you seek. We find that your motion was not a request under the Public Records Law. It was not styled as a public records request, and it was not submitted to OJD in accordance with OJD's published procedure for making public record requests. *See* ORS 192.324(7). Because OJD has not denied a public records request from you, we respectfully deny your petition. ORS 192.411(1) (in general, the Attorney General may order disclosure only when a records request has been denied).

Sincerely,

Lisa M. Udland

LISA M. UDLAND
Deputy Attorney General

DEP:pjn
c via e-mail only: L. Sam Dupree, Senior Assistant General Counsel, Oregon Judicial Department