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April 27, 1994

James Maakestad
3009 Middlebrook Rd.
Newberg, OR 97132

Re: *Petition for Public Records Disclosure Order*
Support Enforcement Division Records

Dear Mr. Maakestad:

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 April 20, 1994, asks the Attorney General to direct the Support Enforcement Division to make available to you copies of all complaints made against the Support Enforcement Division in the past two years.

The Support Enforcement Division has agreed to release the requested records subject to the provisions of ORS 25.260. This statute, for the protection of applicants for and recipients of support enforcement services and the protection of any other party who may be a party to a proceeding where support services are being provided, prohibits the Support Enforcement Division from disclosing the contents of any records, files, papers or communications for purposes not directly connected with the establishment and enforcement of support obligations. However, ORS 192.505 provides that if a public record contains both material that is not exempt from disclosure and material that is exempt from disclosure, then the agency must separate the

exempt material from the nonexempt material and disclose the nonexempt material. The Support Enforcement Division has determined that they can make such a separation of material and will do so.

You should be aware that the Support Enforcement Division may charge you a fee to reimburse it for its actual cost in making these records available, including its photocopy costs and the time spent by agency personnel and legal counsel in reviewing the records. See ORS 192.440(3) and OAR 137-08-010.

For this reason, we deny your petition as moot. You will be receiving a letter from the Support Enforcement Division concerning the release of the requested record within seven days of the date of this order.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:SBM:AV:jpl
c: John Ellis, Assistant Administrator, Support Enforcement Division