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April 28, 1994

Jeffrey S. Merrick
Attorney at Law
1001 SW Fifth Ave., Ste 1900
Portland, OR 97204

Re: Petition for Public Records Disclosure Order
Oregon Board of Nursing Records

Dear Mr. Merrick:

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 25, 1994, asks the Attorney General to direct the Oregon Board of Nursing to make available "all Public Records regarding (four named) individuals" licensed by the Board.

Mary Amdall-Thompson, Program Executive for the Board of Nursing, informs us that the Boards has not denied your request. She further advises us that you have been asked to clarify the breadth of your requested dated April 10, 1994, and that the Board staff have begun to review the records requested to determine what portions are subject to public disclosure and what portions are exempt.

In light of the foregoing, your petition is "premature" since the Board has not yet denied your request. Because you have not been denied access to the records, the Attorney General lacks authority to order disclosure. See ORS 192.450(1).

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:jpl/JAA0114F.W51
c: Mary Amdall-Thompson
Oregon Board of Nursing