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May 26, 1994

Christopher K. Robinson
Attorney at Law
811 N.W. 19th, Suite 203
Portland, OR 97209

Re: Petition for Public Records Disclosure Order: Department of Revenue Hearing Records

Dear Mr. Robinson:

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 May 20, 1994, asks the Attorney General to direct "the Oregon Department of Revenue and its employees to produce a copy of: (i) the audio tape of hearing on Case No. 92-4951; and (ii) the entire written record submitted by Clackamas County & Taxpayer on Case No. 92-4951."

The Oregon Department of Revenue informs us that Jeff Mattson, a Hearings Officer with the department, will make these records available to you. The Public Records Law authorizes a state agency to charge fees reasonably calculated to reimburse it for its actual cost in making public records available. ORS 192.440(3). Additionally, the department's administrative rules require that all requests for public records contain a statement agreeing to pay for search or document charges incurred in responding to the request. OAR 150-183.330(1). Your request to the department did not contain this assurance. We understand, however, that the records you have

requested will be made available to you upon payment of the charges incurred by the department.

Because the department has agreed to provide the records that you requested, we dismiss your petition as moot.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:ccb:lmb/JGG09A9C
c: Jeff Mattson, Hearings Officer
Scott Sideras, Chief Hearings Officer
Department of Revenue