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DEPARTMENT OF JUSTICE
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May 31, 1994

Mark Steven Huesser
SID #609-5694
2605 State Street
Salem, OR 97310-0505

Re: **Petition for Public Records Disclosure Order**
Clackamas County Trial Court records

Dear Mr. Huesser:

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 November 15, 1993, asks the Attorney General to direct the Clackamas County Trial Court Administrator to provide certain records concerning case no. 89-191. For the reasons that follow, we respectfully deny your petition.

The Attorney General may order a state agency to disclose records only where the agency has first denied a request for the records. ORS 192.450(1). In this case the Clackamas County Trial Court Administrator's office had not yet responded to your request. We have been informed by Mr. Swank of the Court Administrator's Office that the Administrator is in the process of providing the records you requested, to the extent that they are in the custody of the Trial Court Administrator. Because the Trial Court Administrator

has not denied your request, and is in the process of providing the records, the Attorney General has no authority to order disclosure. Accordingly, your petition is denied.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:LRR:cfs/JGG09B0D
c: Bradd Swank, Management/Legal Analyst
Office of the State Court Administrator
Supreme Court Building
1163 State Street
Salem, OR 97310

Jim Shofner
Trial Court Administrator
Clackamas County Trial Courts
104 Clackamas County Courthouse
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