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DEPARTMENT OF JUSTICE
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June 23, 1994

John G. Kelley
P.O. Box 817
Oakridge, OR 97463

Re: Petition for Public Records Disclosure Order:
Building Code Division Records

Dear Mr. Kelley:

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 June 20, 1994, asks the Attorney General to direct the Building Codes Division, Department of Consumer and Business Services, to make available for inspection the electrical permits and electrical inspection reports for Lane County for the years 1991, 1992, 1993 and 1994, and "all subsequent related records." Because you have not been denied access to the records, the Attorney General lacks authority to order disclosure. See ORS 192.450(1).

You state that you have been denied reasonable time during normal business hours to effectively examine currently active electrical permits and newly generated electrical inspection reports.[1/] According to agency personnel, the records you request are maintained in two locations, Salem and Eugene.

Copies of electrical permits[2/] and any computerized records, which in this case consists only of billings for bulk (electrical) labels, are maintained in the agency's main office at 1535 Edgewater Drive N.W., Salem. These records are available for your inspection during the agency's office hours, from 8 a.m. until 5 p.m., Monday through Friday.

Copies of electrical permits, inspection reports and correction notices are maintained in the agency's branch office at 125 E. Eighth Avenue, Eugene. That office is staffed by two state employees, both of whom are inspectors. Those persons are in the office Monday through Friday from 8 a.m. until 9 a.m., which are the usual business hours of that branch office, and otherwise in the field performing inspections.[3/] The records you seek to inspect

are available during the times the state inspectors are in the office. ORS 192.430(1) requires the custodian of public records to make the records available in the office of the custodian during the usual business hours of that office. Moreover, the custodian may adopt reasonable rules to prevent interference with the regular discharge of the duties of the custodian. ORS 192.430(2). The Public Records Law does not require a records custodian to disrupt performance of the custodian's duties in order to extend the usual business hours of the office for the convenience of someone seeking to inspect records.

You state that you have been denied reasonable facilities for making memoranda and abstracts. We are advised by Richard Bailey, Manager of the Field Service Section, that there are adequate facilities at both offices to make memoranda and abstracts. As regards the Eugene office, there is an extra desk which can accommodate this purpose.

You state that you have been denied access to records maintained in machine readable and electronic form. We are advised that there are no computer records in the Eugene office (that office is not equipped with a computer). The only computer records available are, as mentioned above, at the main office in Salem. Those records are available for inspection.

We are enclosing a copy of the agency's rule governing public records requests, OAR 918-01-200. It establishes certain requirements for inspecting records, including costs for copying and fees related to retrieving and inspecting computer generated information. Because you have not been denied access to agency records, the Attorney General lacks authority to order disclosure. See ORS 192.450(1). You should pursue further requests to inspect public records through the agency.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

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Enclosure
c w/enc:
Gary Wicks, Administrator, Building Codes Division
Richard Bailey, Manager, Field Services Section

[1/] Similarly, you state that you have been denied proper and reasonable opportunity for inspection and examination of the records maintained at 125 E. Eighth Avenue, Eugene, Oregon.