THEODORE R. KULONGOSKI
ATTORNEY GENERAL

THOMAS A. BALMER
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400
TDD: (503) 378-5938

June 27, 1994

Paul B. Meadowbrook
Attorney at Law
Suite 555, 388 State Street
P.O. Box 884
Salem OR 97308

Re: *Petition for Public Records Disclosure Order*
Oregon Department of State Police Records

Dear Mr. Meadowbrook:

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 was dated June 21, 1994, and which we received on June 22, 1994, asks the Attorney General to direct the Director of the Law Enforcement Data System to provide access to the following records:

1) Records of LEDS access to records of Paul Wilson from January 1, 1994 through April 30, 1994.

2) Records of LEDS audit of access to Paul Wilson's records completed by LEDS on or about June 17, 1994.

3) All ID Service records regarding Paul Wilson.

For the reasons that follow, we respectfully deny your petition as premature.

The Attorney General may order a state agency to disclose records only where the agency first has *denied* a request for access to such records. ORS 192.450 (1) and 192.470. Your petition, dated June 21, 1994, does not allege that such a denial took place. The State Police officials who received your written requests and are now involved in processing them

indicate that they have not refused you access to the requested records either orally or in writing. Your requests to Lloyd Smith concerning LEDS records are contained in two letters with the first dated June 17 and the second, June 20, 1994. The letter to ID Services respecting Wilson ID records, is dated June 17, 1994, but did not arrive until June 21, 1994.

The Public Records Law allows a reasonable period of time for the custodian of the requested records to review the request and act upon it. *Morse Bros. Inc. v. O.D.E.D.*, 103 Or App 619 (1990). As of the date of your petition, such a reasonable period of time had not expired nor had you received either a written or oral refusal of access to the requested records. For the reasons stated, your petition is denied as premature.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to
the Attorney General

ESH:ST:TET:AV:bjs:cfs/JGG09DA5
c: Lloyd Smith, Director
Law Enforcement Data System
400 Public Service Building
Salem OR 97310

Lt. C.W. Daimler
Oregon State Police
ID Services Section
107 Public Service Building
Salem OR 97310