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July 25, 1994

Charles Michael Powers
Oregon State Penitentiary
SID # 7504567
2605 State Street
Salem, OR 97310-0505

Re: *Petition for Public Records Order: Multnomah County Trial Court Records*

Dear Mr. Powers:

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 July 18, 1994, asks the Attorney General to direct the Washington County Trial Court Administrator to provide certain records concerning case no. 88-11-37678. 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 Bradd Swank of the State Court Administrator's office informs us that the Multnomah County Trial Court Administrator's office responded to your request on July 21, 1994. The Administrator informed you by letter that his office had previously provided you all of the records you requested which the Trial Court Administrator had in his custody. Other records you requested are not in the custody of the Trial Court Administrator. The Administrator is obligated to provide only those records for which he is the custodian. See ORS 192.430, 192.440.

Because the Trial Court Administrator has not denied your request, and has provided the requested 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:LR:jpl:JGG0A050

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

Douglas M. Bray
Trial Court Administrator
Multnomah County
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Portland, OR 97204