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

August 18, 1994

Larry G. Mann
Rt. 1, Box 825
Powell Butte, OR 97753

Re: *Petition for Public Records Disclosure Order: Records of Attorney James C. Van Voorhees*

Dear Mr. Mann:

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 August 15, 1994, asks the Attorney General to direct James C. Van Voorhees, an attorney, to make available certain records concerning certain court documents. For the reasons that follow, we respectfully deny your petition.

The public records law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. A "public record" is defined in the law as

> any writing containing information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics.

ORS 192.410(4).

A "public body" is further defined as

> every state officer, agency, department, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of this state.

ORS 192.410(3).

Mr. Van Voorhees is an attorney in private practice. His records are not "prepared, owned, used or retained by a public body." His records cannot be obtained through the Public Records Law. Therefore, we deny your petition to compel disclosure.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:LRR:AV:cfs/JGG0A2BA
c: James C. Van Voorhees
Minturn, Van Voorhees & Larson
298 W. 3rd Street
Prineville, OR 97754