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 29, 1994

Sheryl Lee
1130 Tetherow Rd.
Williams, OR 97544

Re: *Request for Public Records Disclosure Order*
Jackson County Counsel

Dear Ms. Lee:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law. We respectfully must deny your petition.

Your petition, which we received on August 26, 1994, asks the Attorney General to direct the Jackson County Counsel to produce copies of certain records in his possession. Under the Public Records Law, the Attorney General has authority to issue a public records order only to " . . . any person denied the right to inspect or to receive a copy of any public records of a state agency . . . ." (Emphasis supplied.) ORS 192.450(1). The Jackson County Counsel is not a state agency. Therefore, under the Public Records Law, it is the Jackson County District Attorney, not the Attorney General, who has the authority to review the denial of your request for the information in question.

Should the district attorney deny your petition, your recourse is then to file a lawsuit in Jackson County.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:AV:jpl/JAA0028E.W51
cc: The Honorable Mark Huddleston
Jackson County District Attorney (w/encl)