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October 10, 1994

Joe Guerra
11624 SW Lomita Avenue, #A-10
Tigard, OR 97223

Re: Petition for Public Records Disclosure Order: Transcripts of Taped Interviews of Tualatin CCMU Staff

Dear Mr. Guerra:

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 October 3, 1994, asks the Attorney General to order the Governor's Affirmative Action Office (Office) to disclose transcript copies of taped interviews of the Tualatin Client Care Monitoring Unit (CCMU) staff. For the reason that follows, we respectfully deny your petition for the copies.

The Public Records Law confers a right to access any public records of a public body in Oregon, subject to certain exemptions and limitations. See ORS 192.420. The law requires generally that the custodian of public records furnish proper and reasonable opportunities for inspection and/or copying of the records in the office of the custodian. ORS 192.430. However, the Public Records Law does not require public bodies to create public records. See Letter of Advice dated June 1, 1987, to Jim Kenney, Supervisor, Urban-Renewal Section, Department of Revenue (OP-6126).

We have been advised by Prince Washington, Assistant Director of the Governor's Affirmative Action Office, that no transcripts were made of the taped

interviews. This office cannot order the disclosure of records that do not exist. Because the Office does not have a transcript of the tapes, we deny your petition. See ORS 192.450(1).

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

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