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

July 26, 1993

Michael Lee Young
OSCI SID #7891638
3405 Deer Park Dr. S.E.
Salem, OR 97301-9385

Re: Petition for Public Records Disclosure Order
Jackson County Trial Court Records

Dear Mr. Young:

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 20, 1993, asks the Attorney General to direct the "Jackson County Circuit Court Records/Archives" to make available certain records concerning case no. 89-1484-C-3.

The Jackson County trial courts are administered by the Trial Court Administrator. ORS 8.185. We respond to your petition as if it were made to the Trial Court Administrator, Jim Adams. For the reasons that follow, we respectfully deny your petition as moot.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. However, the Attorney General may order a state agency to disclose records only where the agency first has denied a request for public records. ORS 192.450(1).

In this case the Mr. Adams has agreed to provide the records you requested, to the extent that they exist in the custody of the Trial Court Administrator, and will be forwarding them to you. Because the records you requested are being provided to you, your petition is denied as moot.[1/]

Sincerely,

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:krg/JAA00D36

cc: Linda Zuckerman
Legal Counsel
Office of the State Court Administrator
Supreme Court Building
1163 State Street
Salem, OR 97310

Jim Adams
Jackson County Trial Court Administrator
10 S. Oakdale
Medford, OR 97501

[1/] Your petition also refers to a request made to the Jackson County District Attorney. This order does not address the request made to the district attorney. When a request to inspect or copy a public record is denied by an elected official, the person requesting the record must institute proceedings in the appropriate circuit court to seek relief from that claim of right to withhold disclosure. ORS 192.480. By advising you of this procedure, we do not express any opinion on whether the letter dated March 23, 1993 from the District Attorney constituted a denial of a public records request.