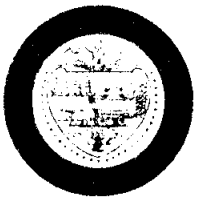
CHARLES S. CROOKHAM
ATTORNEY GENERAL

JACK L. DAU
DEPUTY ATTORNEY GENERAL



DEPARTMENT OF JUSTICE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

February 27, 1992

Finn J. John
395 Water Street
P.O. Box 35
Silverton, OR 97381

Re: Petition for Public Records Disclosure Order: Oregon Department of Education Records

Dear Mr. John:

Our office received your petition requesting disclosure of records under ORS 192.410 to 192.505 on February 21, 1992. Under ORS 192.480, the Attorney General has no authority to review the decision of an elected official who claims the right to withhold disclosure of records. Since the records in this case are in the custody of the State Superintendent of Public Instruction or are in the custody of another person as to which the State Superintendent claims the right to withhold disclosure, we respectfully deny your petition on the ground that the Attorney General has no authority to consider your petition.

ORS 192.490 establishes the procedure to obtain judicial review of any elected public official's refusal to allow inspection of a public record. However, I am also informed that since the filing of your petition the Department of Education has provided you with copies of the records you requested.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:JGMcK:tmt/JGG025AA
c: Kathryn Murdock, Director, Legal Services, ODE
Norma Paulus, Superintendent, ODE