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ATTORNEY GENERAL

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

March 3, 1992

Neil Robblee
P.O. Box 18208
Seattle, WA 98118

Re: **Petition for Public Records Disclosure Order; Department of Revenue Records**

Dear Mr. Robblee:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Publivc Records Law, ORS 192.410 to 192.505. Your petition, which we received on March 2, 1992, asks the Attorney General to direct the Oregon Department of Revenue (DOR) to produce copies of account information, notices of determination and liability and other records concerning the withholding tax liability of Harris of Pendleton Inc. For the reasons that follow, we respectfully deny your petition as premature.

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). Although an unreasonable delay in responding to a records request may in some circumstances constitute a denial, here there was no denial. In your request, you stated that DOR had advised you that you would be receiving the documents you requested. You stated that had not received them and had not been contacted about them since December 18. 1991. We contacted the DOR and learned that the employee to whom you spoke about the records is no longer employed by the DOR.

Mr. Al Davis, Conference Officer for the Collection Division of the DOR is now in the process of assembling the records you requested. We understand that he will make arrangements for them to be sent to you as soon as possible.

Because DOR has not denied your request, your petition is premature and is, therefore, denied.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:AV:lmb/JGG026BB
c: Mr. Al Davis
Collection Division
Department of Revenue