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ATTORNEY GENERAL

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

March 11, 1992

Steve Mayes
Business Reporter
The Oregonian
1320 SW Broadway
Portland, Oregon 97201

Re: Request for Public Records Disclosure Order
Oregon State Treasury Records

Dear Mr. Mayes:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law. The petition, which we received on March 4, 1992, asks the Attorney General to direct the State Treasury to provide access to financial disclosure forms filed by Oregon State Treasury personnel. Your response indicates that the Treasury declined to provide the requested information, citing ORS 192.502(2), and that the Treasury failed to comply with the provisions of ORS 192.505. For the reasons below we deny your request.

ORS 192.480 provides in relevant part:

> In any case in which a person is denied the right to inspect or to receive a copy of a public record in the custody of an elected official, or in the custody of any other person but as to which an elected official claims the right to withhold disclosure, no petition to require disclosure may be filed with the Attorney General * * *, or if a petition is filed it shall not be considered by the Attorney General * * * after a claim of right to withhold disclosure by an elected official.

The State Treasurer is an elected public official. See Or Const Art VI, section 1. The documents requested by you were created pursuant to the Treasurer's memo of October 4, 1991, in which he promised personally not to reveal the requested information. This decision was confirmed subsequently by Deputy Smith's denial to you. Therefore, because an elected official has denied the right to inspect the financial disclosure forms, ORS 192.480 prohibits the Attorney General from considering your petition.

The statute does not, however, preclude an elected official from requesting advice from the Attorney General as to whether a public record should be disclosed. ORS 192.480. Treasury has done so and we attach a copy of our advice as a courtesy.

Yours very truly,

/s/

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

c: Stephen S. Smith, Jr.
bcc: Bob Muir
Amy Veranth

PLA:cm:jaa0066d