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ATTORNEY GENERAL

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

March 17, 1992

Donald Randall
Melody Hill Dairy Farm
29790 McFarland Road
Monroe, OR 97456

Re: Department of Agriculture Public Records Request
DOJ File No. 603-407-0093

Dear Mr. Randall:

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 March 10, 1992, asks the Attorney General to order the Occupational Safety and Health Division of the Oregon Department of Insurance and Finance (OR-OSHA) to make available for inspection the names of persons who reported that your dairy was in violation of OR-OSHA rules. You also request the names of persons who complained to the Department of Agriculture with respect to a manure lagoon. For the reasons that follow, we respectfully deny your petition.

Tomás Schwabe at OR-OSHA informs us that that agency's records do not contain the names of persons who reported violations at your dairy; the complaint was unsigned and contained no return address. Mr. Schwabe also explained that after transcribing the complaint onto an official complaint form, the original complaint was destroyed. Because OR-OSHA has no records that satisfy your request, there is no basis upon which the Attorney Genral can order the agency to disclose such records. Accordingly, we deny that portion of your petition.

Alan Youse, at the Department of Agriculture, has informed us that the department had not received a request for information from you concerning the complaint about a manure lagoon. Absent a request and denial, the Attorney General lacks authority to order disclosure. See ORS 192.450(1). Therefore, we deny this portion of

your petition as premature. Mr. Youse informs us, however, that the department has now sent you the information that you sought.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:AV:SEAS:tmt/JGG02884
c: Tomás Schwabe, Oregon Occupational Safety & Health Division
Alan Youse, Department of Agriculture