CHARLES S. CROOKHAM
ATTORNEY GENERAL

JACK L. LANDAU
DEPUTY ATTORNEY GENERAL

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

March 31, 1992

James R. Eccles
3228 River Park Dr.
Backer City, OR 97814

Re: Petition for Public Records Disclosure Order:
State Board of Psychologist Examiners Records

Dear Mr. Eccles:

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 March 30, 1992, asks the Attorney General to direct the State Board of Psychologist Examiners (Board) to provide you with copies of Board notices of various of its meetings. 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). Your request for records was made to W. Benny Won, an Assistant Attorney General, rather than to the Board. Although Mr. Won referred your request to the Board, a public records request must properly be made to the agency that has the records. Ms. Bonnie Wilson, Administrator of the Board, informs us that the Board has not denied your request for records, but is now in the process of reviewing, and responding to, that request. Absent a request to, and denial by, the Board, the Attorney General does not have jurisdiction to order disclosure. ORS 192.450.

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

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

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c: Bonnie Wilson, Administrator, State Board of Psychologist Examiners