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ATTORNEY GENERAL

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

September 21, 1992

W.L. Anderson
783 Christiansen Road
Toledo, Oregon 97391

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 September 15, 1992, asks the Attorney General to order the Oregon State Bar (OSB) to make available for inspection or to produce copies of "records relevant to repeated complaints filed about certain offending lawyers." For the reasons that follow, we respectfully deny your petition.

You have not provided us with sufficient information to process your petition. A petition for disclosure of public records must contain the name or description of the record(s) sought, the date on which the records were requested, and the name of the person(s) who denied the request. ORS 192.470(1). You have not provided us with any of this information.

We have contacted the OSB in an attempt to determine if they have any record of your request for records concerning "certain offending lawyers" or a denial of such a request. The OSB has informed us that the OSB is unable to locate any records without the name of the lawyer against whom a complaint was filed. Without the names of the offending lawyers, we are also unable to review those records to determine whether the records may be withheld from public inspection. See ORS 192.470(2).

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). Moreover, the Attorney General cannot order disclosure of records that do not exist. Because we have been unable to determine either whether the OSB has denied your request for records or whether the records you seek actually exist, we respectfully deny your petition.

Jeff Sapiro, OSB Director of Regulatory Services, informs us that OSB disciplinary records are available for public inspection and that you may contact him to arrange to inspect OSB files concerning complaints against specific lawyers or to obtain copies of records in those files.[1/] You may contact: Jeff Sapiro, Director, Regulatory Services Division, Oregon State Bar, 5200 S.W. Meadows Road, PO Box 1689, Lake Oswego, Oregon; 97035-0889; telephone No. (503) 620-0222 ext. 319, or toll free within Oregon 1-800-452-8260.

Sincerely,

Amy Veranth
Opinions Coordinator
General Counsel Division

ALV:cm/jaa008ec
c: (w/incoming correspondence)
Jeff Sapiro, Oregon State Bar
Enclosure

[1/] If Mr. Sapiro denies your request for existing records, you may submit another petition to this office with the necessary information concerning the records you seek. Enclosed is a form petition for disclosure of public records, which you may wish to use.