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January 26, 1993

Denise McVea
Staff Writer
The Oregonian
1320 SW Broadway
Portland, OR 97201-3499

Re: Request for Public Records Disclosure Order
Linn County Sheriff's Department

Dear Ms. McVea:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law. We respectfully must deny your petition.

Your petition, which we received on January 26, asks the Attorney General to direct the Linn County Sheriff's Office to produce copies of certain records in its possession. Under the Public Records Law, the Attorney General has authority to issue a public records order only to ". . . any person denied the right to inspect or to receive a copy of any public record of a state agency. . . ." (Emphasis supplied.) ORS 192.450(1). The Linn County Sheriff's Office is not a state agency. Therefore, under the Public Records Law, it is the Linn County District Attorney, not the Attorney General, who has the authority to review the denial of your request for the information in question.

Should the district attorney deny your petition, your recourse is then to file a lawsuit in the Linn County Circuit Court.

Yours very truly,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ALV:jpl/jaa0028e
c: (w/incoming correspondence):
The Honorable Jason Carlile
Linn County District Attorney
P.O. Box 100
Albany, OR 97321