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February 11, 1993

Wanda Wixom
804 Penn
La Grande, OR 97850

Re: Petition for Public Records Disclosure Order;
Eastern Oregon State College

Dear Ms. Wixom:

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 February 8, 1993, asks the Attorney General to direct Eastern Oregon State College (College) to make available any documents containing statements of Professor Jay Van Tassell or statements of students against you. For the reasons that follow, we respectfully deny your petition.

Melinda Grier, Compliance Officer and Director of Legal Services in the Office of the Chancellor of the Department of Higher Education, speaking on behalf of the College, informs us that your request for the documents has not been denied. Ms. Grier further informs us that your request is receiving attention, and any delay in response is related to making certain that exempt documents are not divulged in error. In fact, you have supplied us with a letter from Ms. Grier, dated January 25, 1993, stating that your request was under consideration. The agency has a reasonable time to make such a review. See Attorney General's Public Records and Meetings Manual 9-10 (1989). In this instance, there was delay encountered to confirm that the attorney who wrote on your behalf on January 21, 1993, was no longer representing you. We are informed that you may expect to hear soon from the College about your record request.

Absent a denial by the College of your request for the records, the Attorney General has no jurisdiction to order disclosure. See ORS 192,450. Accordingly, we deny your petition as premature.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:AV:jpl/JAA00A93.W51

cc: James Hottois, Dean of Economic Affairs, Eastern Oregon State College
Richard Stenard, Dean of Students, Eastern Oregon State College
Melinda Grier, Compliance Officer and Director of Legal Services
Office of the Chancellor
Jerry Casby, Assistant Attorney General