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March 19, 1993

Joseph M. Charter
Attorney at Law
Law Offices of Lee S. Werdell
120 Mistletoe
Medford, Oregon 97501

Re: Petition for Public Records Disclosure Order
SAIF Corporation Records

Dear Mr. Charter:

We have reviewed your petition to the Attorney General, dated March 10, 1993, requesting that SAIF Corporation be ordered to produce copies of documents designated in your letter.

As you know, an agency has a reasonable time to respond to a request to inspect public records. ORS 192.430. It appears that your request to SAIF was by letter to William Brickey, a Special Assistant Attorney General assigned to SAIF, dated March 10, 1993, and received by our office on March 12. In your March 10 letter, you indicated that you were "now" requesting documents from SAIF under the public records law which you had earlier sought by subpoena. You indicated that unless you "hear differently," you would assume that Mr. Brickey's earlier letter of March 3, 1993, regarding documents you had sought by subpoena would also constitute a denial of your request under the public records law.

The difficulty here, as you will understand, is that the statutes and rules pertaining to subpoenas and litigation may not be the same as those pertaining to public records requests. Mr. Brickey's letter to you of March 3 dealt solely with a subpoena and does not in any sense respond to a public records request. The first

public records request was not made until your letter dated March 10, 1993 (received by our office March 12) and Mr. Brickey's earlier correspondence about another matter cannot be transformed into a denial of a request that had not yet been made.

We therefore deny your request on the grounds that it is premature. SAIF Corporation has advised us that it is reviewing your request and expects to have a response to you within, approximately, the next 14 days. Of course, if you feel that SAIF's response is inadequate once you receive it, you are free to submit another petition to the Attorney General.

Very truly yours,

THOMAS A. BALMER
Deputy Attorney General

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cc: William Brickey, SAIF Corporation