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April 14, 1993

Donald Lee Toney
SID #3797255
2605 State Street
Salem, OR 97310-0505

Re: Petition for Public Records Disclosure Order:
Multnomah County Trial Court Records

Dear Mr. Toney:

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 April 8, 1993, asks the Attorney General to direct the Multnomah County Trial Court Administrator, Douglas M. Bray, or the "Clerk of the Circuit Court for Multnomah County"[1/] to make available the grand jury register for April 9, 1987 and to certify the number of grand jury members who heard Mr. Toney's case on that day. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. However, 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).

In this case, the Multnomah County Trial Court Administrator's office received your written request for these records on March 24, 1993.[2/] Your request is one of a large volume of similar requests for grand jury information. Mr. Bray informs us that your request has been put on a list with the other requests (in the order of their receipt) and will be handled as soon as possible, consistent with the necessity to "prevent interference with the regular discharge of duties of the custodian". ORS 192.430(2). The status of your request was acknowledged by letter from Mr. Bray's office on April 9, 1993.

Absent a denial by the Trial Court Administrator, the Attorney General does not have jurisdiction to order disclosure. ORS 192.450. Because the Trial Court Administrator has not denied your request, your petition is premature and is, therefore, denied.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to
the Attorney General

ESH:LRR:AV:lrr:cfs/JGG0658A
c: Douglas M. Bray
Multnomah County Trial Court Administrator
Multnomah County Courthouse
1021 S.W. Fourth Ave.
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