THEODORE R. KULONGOSKI
ATTORNEY GENERAL

THOMAS A. BALMER
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400
TDD: (503) 378-5938

May 21, 1993

Alan L. Shelby
Box #6368110
2605 State St.
Salem, OR 97310

Re: Request for Public Records Disclosure Order
Lane County District Attorney's Office

Dear Mr. Shelby:

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 May 21, 1993, asks the Attorney General to direct the District Attorney of Lane County to make available records in their possession. For the reasons that follow, we deny your petition.

Your petition alleges that the district attorney denied your request for the records. Under the Public Records Law, the district attorney is the official responsible for reviewing public records decisions by local governments. ORS 192.460. Thus, the district attorney is the proper official to whom to direct your petition. If the Lane County District Attorney denies your petition, the Attorney General would not review that denial. Public Records Order, January 21, 1988 (Wright)(under ORS 192.480, Attorney General may not order the district attorney, an elected official, to release public records). Rather, ORS 192.480 and 192.490 establish the procedure to obtain judicial review of a district attorney's denial of a records request.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:AV:jpl/JAA0028E.W51
cc: Honorable F. Douglas Harcleroad, Lane County District Attorney