THEODORE R. KULONGOSKI
ATTORNEY GENERAL

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DUPLICATE COPY

DEPARTMENT OF JUSTICE
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June 9, 1993

John G. Kelley
P.O. Box 817
Oakridge, OR 97463

Re: Petition for Public Records Disclosure Order:
Construction Contractors Board Records

Dear Mr. Kelley:

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 June 3, 1993, asks the Attorney General to direct the Construction Contractors Board to make available all records related to or mentioning twenty-six individuals. For the reasons that follow, we respectfully deny your petition as premature.

On May 24, 1993 you asked Peggy Musgrave at the Construction Contractors Board to let you examine the requested records. She met with you on that date to clarify what specific records you wanted to examine. She told you that it would take some time to locate the records. On June 3, 1993 you returned to the Construction Contractors Board to examine the records. Peggy Musgrave was on a long-planned vacation and no one else in the agency had the list of the requested records. Peggy Musgrave is returning to the office on June 8, 1993. We have been advised by Ken Keudell, Administrator, Construction Contractors Board, that Ms. Musgrave will allow you to examine the requested records after she returns.

A state agency has a reasonable time to act on a request for disclosure. ORS 192.430(1). Because you have not yet been denied access to the records, the Attorney General lacks authority to order disclosure. Morse Bros., Inc. v. Oregon Economic Dev. Dep't., 103 Or App 619 (1990); ORS 192.450(1). Because your petition is premature, we do not reach your request to have the Construction Contractors Board waive all copying fees.

For these reasons, we deny your petition to compel disclosure.

Sincerely,

/s/ Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:WAR:war:ros/JGG06E3F.W51
c: Ken Keudell, Administrator
Construction Contractors Board