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June 24, 1993

A. L. Bennett, President
Oregon Outhouse
17785 Brown Rd.
Dallas, OR 97338

Re: Petition for Public Records Disclosure Order:
Wood Products Competitiveness Corporation Records

Dear Mr. Bennett:

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 7, 1993,[1/] asks the Attorney General to direct the Oregon Wood Products Competitiveness Corporation (OWPCC) to make available records pertaining to the three "previously approved networks" referred to on page 3 of the OWPCC Implementation Plan. For the reasons that follow, we 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. See ORS 192.420. Some of the records you request do not exist. The other records you request are not exempt from disclosure, and Ray Daffner, OWPCC Executive Director, informs us that the agency will release them to you.

1. Copies of the Applications for Network Feasibility Grants of the three approved networks. Richard C. Clark, George E. Hatt and Reid Martin submitted applications. Those applications will be disclosed.

2. Copies of OWPCC's Request for Grant Proposals. The Grant announcement was issued by the Oregon Economic Development Department which was acting as staff to

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[1/] We appreciate your extending the time within which the law would have otherwise obligated us to respond.

OWPCC. The Grant Announcement was baseded upon a memo from Jerry Sivin. The Grant Announcement and Mr. Sivin's February 10, 1992 memo will be disclosed.

3. Copies of the Grant Agreements. OWPCC entered into a Grant Agreement only with Richard C. Clark. Mr. Hatt signed a Grant Agreement that was not signed by OWPCC because Mr. Hatt had not submitted a business plan. No Grant Agreement was entered into with Mr. Martin. The Grant Agreements with Mr. Clark and Mr. Hatt will be disclosed.

4. Copies of the reports submitted by the grantees. The March 3, 1992 and March 11, 1992 letters from Larry Papa ask the grantees to make a report at the May 1, 1992 OWPCC meeting. No reports were made at that meeting. Mr. Clark has submitted a preliminary report dated June 23, 1993. That report will be disclosed.

5. Copies of all other information pertaining to the three projects. Both Larry Papa and George Wyatt sent preliminary approval and award letters to the three grantees. There is an April 15, 1992 letter to Mr. Martin. There are invoices and receipts submitted by Mr. Clark. The letters, invoices and receipts will be disclosed.

As to those records that do not exist, the Attorney General has no authority to order disclosure. See ORS 192.450. As to those records that OWPCC agrees to release to you, we deny your petition as moot.

The OWPCC may charge you a fee to reimburse it for its actual cost in making such records available, including its photocopy costs and the time spent by agency personnel in reviewing the records. See ORS 192.440(3).

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:AV:WAR:jpl:JGG070DD

c: Ray Daffner, Executive Director
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