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DEPARTMENT OF JUSTICE
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June 30, 1993

Brian Rayley
SID # 8817571
777 Stanton Blvd.
Ontario, OR 97014

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

Dear Mr. Rayley:

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 24, 1993, asks the Attorney General to direct the "Office of the Trial Court Clerk of Multnomah County" to make available the grand jury register for "Case No. C-9106-32751, indictment dated June 26, 1991, (for Grand Jury No. 89-D)".[1/] We are informed that there is no position in Multnomah County entitled "Trial Court Clerk". See ORS 8.205. The Multnomah County trial courts are administered by the Trial Court Administrator. ORS 8.185. One of the functions of the Trial Court Administrator is to "keep the records, files, books and papers pertaining to the court". ORS 8.225(2)(c). See also ORS 7.110. Therefore we respond to your petition as if it were made to the Trial Court Administrator, Douglas Bray. Trial court administrators are state officers, ORS 8.170, and thus this petition is properly before the Attorney General. ORS 192.450. 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 requests for these records on April 20, 1993 and April 28, 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 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 June 29, 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:SMT:smt/bjs:JGG071A2
C: Douglas M. Bray
Multnomah County Trial Court Administrator
Multnomah County Courthouse
1021 S.W. Fourth Ave.
Portland, OR 97204

Linda Zuckerman
Legal Counsel
Office of the State Court Administrator
Supreme Court Building
1163 State Street
Salem, OR 97310

[1/] Your petition alternatively asks the District Attorney for Multnomah County to order production of the records. Petitions for review of a denial of the right to inspect public records of an agency other than a state agency must be made to the district attorney of the county in which the public body is located. ORS 192.460. Petitions for review of a denial of the right to inspect public records of a state agency are properly made to the Attorney General. ORS 192.450. Your request involves a state officer, the Multnomah County Trial Court Administrator. ORS 8.170. Therefore, we respond to this petition as if it had been made only to the Attorney General. We do not respond on behalf of the Multnomah County District Attorney.*