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July 26, 1993

James Scott Hopkins
#3607314 - EOCI
2500 Westgate
Pendleton, OR 98701

Re: Petition for Public Records Disclosure Order
Multnomah County District Attorney Records

Dear Mr. Hopkins:

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 July 23, 1993, asks the Attorney General to direct the District Attorney's office to produce copies of certain records concerning case no. 90-11-36303.

Your petition states that your request was denied by Frederick Lenzser, Chief Deputy District Attorney. We assume that Mr. Lenzser was acting under authority from the District Attorney,[1/] who is an elected official. When a request to inspect or copy a public record in the custody of an elected official, or in the custody of any other person but as to which an elected official claims the right to withhold disclosure, the Attorney General may not consider the

petition. ORS 192.480. The person requesting the record must institute proceedings in the appropriate circuit court to seek relief from that claim of right to withhold disclosure. Id.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:krg/JAA00D37

cc: Frederick Lenzser
Deputy District Attorney
Multnomah County District Attorney's Office
600 County Courthouse
Portland, OR 97204

[1/] The Attorney General may consider petitions concerning the denial of records in the custody of state agencies. ORS 192.450. With respect to public records in the custody of public bodies other than state agencies, the district attorney for the county in which the public body is located has authority to review the denial of the right to inspect or receive a copy of the records. ORS 192.460.