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

August 2, 1993

Benjamin Edward Delaney
S.I.D. #3206448
Oregon State Correctional Institution
3405 Deer Park Drive SE
Salem, OR 97301-9385

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

Dear Mr. Delaney:

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 27, 1993, asks the Attorney General to direct the "Multnomah County Circuit Court Records/Archives" to make available certain records concerning cases no. C84-12-35363 and C91-11-36226.

The Multnomah County trial courts are administered by the Trial Court Administrator. ORS 8.185. We respond to your petition as if it were made to the Trial Court Administrator, Douglas M. Bray. For the reasons that follow, we respectfully deny your petition as moot.

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).

Your letter indicates that you made a request for these records to the Trial Court Administrator and received a response from his office dated April 12, 1993. That response informed you that your request would be handled as soon as possible. Your request was put

on a list with other requests (in order of their receipt) to be handled as soon as possible. Mr. Bray now informs us that on July 30, 1993, he provided copies of the records you requested that were in his custody. Because the records you requested have been provided to you, your petition is denied as moot.[1/]

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:LRR:lrr:cfs/JGG075FF
c: Linda Zuckerman
Legal Counsel
Office of the State Court Administrator
Supreme Court Building
1163 State Street
Salem, OR 97310

Douglas M. Bray
Multnomah County Trial Court Administrator
Multnomah County Courthouse
1021 S.W. Fourth Ave.
Portland, OR 97204

[1/] Your petition also refers to a request made to the Multnomah County District Attorney. This order does not address the request made to the district attorney. When a request to inspect or copy a public record is denied by an elected official, the person requesting the record must institute proceedings in the appropriate circuit court to seek relief from that claim of right to withhold disclosure. ORS 192.480. By advising you of this procedure, we do not express any opinion on whether the letter dated January 29, 1993, from the District Attorney constituted a denial of a public records request.