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August 13, 1993

Donald Lee Toney, Jr.
Number 3797255
2605 State St.
Salem, OR 97310-0505

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

Dear Mr. Toney:

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 August 13, 1993, asks the Attorney General to direct the District Attorney's office to produce copies of certain records concerning case No. 72-12-3859 (DA 81266). For the reasons that follow, we deny your petition.

Under the Public Records Law, the District Attorney is the proper authority to whom to direct your petition. If the Multnomah County District Attorney denies your petition, the Attorney General would not review that denial. Public Records Order, January 21, 1988 (Wright)(under ORS 192.480, Attorney General may not order the district attorney, an elected official, to release public records). Rather, ORS 192.480 and 192.490 establish the procedure to obtain judicial review of a district attorney's denial of a records request.

Accordingly, we deny your petition.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:jpl/JAA00D80.W51

cc w/encl: The Honorable Michael Schrunk, Multnomah County District Attorney