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August 13, 1993

Frank E. Prater
SID #5483604
3405 Deer Park Dr. S.E.
Salem, OR 97310

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

Dear Mr. Prater:

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 10, 1993, asks the Attorney General to direct the District Attorney's office to produce copies of certain records concerning case No. 90CR0679. For the reasons that follow, we deny your petition.

Your petition alleges that the district attorney denied your request for the records. The District Attorney is an elected official. Under the Public Records Law, when a request to inspect or copy a public records is 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.

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 Jack L. Banta, Douglas County District Attorney