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September 1, 1993

Al Bennett, President
Oregon Outhouse, Ltd.
17785 Brown Road
Dallas, OR 97338

Re: Petition for Public Records Disclosure Order: Oregon Wood Products Competitiveness Corporation Records

Dear Mr. Bennett:

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 30, 1993, asks the Attorney General to direct the Oregon Wood Products Competitiveness Corporation (WPCC, Inc.) to require Richard Clark to provide verification of the expenditures for which he was reimbursed $10,000 and in the event he does not produce such verification to order WPCC, Inc. to declare Mr. Clark in default. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers upon any person the right to inspect public records of a public body in Oregon, subject to certain exemptions and limitations. Neither Mr. Clark nor WPCC, Inc. are public bodies. ORS 192.410(1). Mr. Clark is a private individual, and WPCC, Inc. is now a private nonprofit corporation. Or Laws 1993, ch ___ (SB 169). The Public Records Law is not applicable to private nonprofit corporations even if they contract to perform governmental functions and receive all their money from public funds. 46 Op Atty Gen 144 (1989); 46 Op Atty Gen 99 (1988). Accordingly, we cannot order either Mr. Clark or WPPC, Inc. to produce their records.

Moreover, this office cannot provide legal advice to private entities. ORS 180.060(5), 180.220(2). Therefore, we cannot order WPCC, Inc. to declare Mr. Clark in default if he fails to provide the verification you request. Even if WPCC, Inc. were still a state agency, we cannot order our clients to declare a grant recipient in default. ORS 180.060(9).

Since WPCC, Inc. is not a public body or state agency we respectfully deny your petition.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

WAR:war:JGG07A27
c: Ray Daffner, Executive Director
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