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September 21, 1993

Donald Lee Peterson
#5677303 - E.O.C.I.
2500 Westgate
Pendleton, OR 97801

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

Dear Mr. Peterson:

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 September 16, 1993, asks the Attorney General to direct the "Washington County's Grand Jury Clerk or Court Administrator - Files" to make available the grand jury registers for the following cases:

1. Case No. C920747CR;

2. Case No. C920748CR;

3. Case No. 900266CR.

We are informed that there is no position in Washington County entitled "Grand Jury Clerk" or "Court Administrator - Files". See ORS 8.205. The Washington County trial courts are administered by the Trial Court Administrator. ORS 8.185. One of the functions of the Trial Court Administrator is to "keep the records, files, books and papers pertaining to the court." ORS 8.225(2). See also ORS 7.110. Therefore, we respond to your petition as if it were made to the Washington County Trial Court Administrator, Sandra Officer. Trial court administrators are state officers, ORS 8.170, and thus this petition is properly before the Attorney General. ORS 192.450. For the reasons that follow, we respectfully deny your petition.

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).

In this case, we are advised that the Washington County Trial Court Administrator's office has no record of having received your written request for these records. Ms. Officer informs us that it is her practice to forward copies of written requests for grand jury records to the Washington County District Attorney's office, because that office keeps detailed records about the grand jury registers. Ms. Officer also informs us that although the Washington County Trial Court keeps limited grand jury records, your request will be handled as soon as possible, consistent with the necessity to "prevent interference with the regular discharge of duties of the custodian." ORS 192.430(2).

Absent a denial by the Trial Court Administrator, the Attorney General does not have jurisdiction to order disclosure. ORS 192.450. Because the Trial Court Administrator has not denied your request, your petition is premature and is, therefore, denied.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to
the Attorney General

ESH:SMT:smt:cfs/JGG07C5A
c: Sandra Officer, Trial Court Administrator
Washington County Courthouse
145 NE Second
Hillsboro, OR 97124

Linda Zuckerman, Legal Counsel
Office of the State Court Administrator
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1163 State Street
Salem, OR 97310