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DEPARTMENT OF JUSTICE
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October 5, 1993

Gwen Herinckx
1864 SE Tanager Circle
Hillsboro, OR 97123

Re: Petition for Public Records Disclosure Order:
AFSD Recovery Services Section Records
DOJ File No. 410-010-0095

Dear Ms. Herinckx:

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 28, 1993, asks the Attorney General to make available the following:

1. The most current federal audit of services regarding child support collections; and

2. The most recent staff evaluation by DHR staff of the Washington County Family Law Division regarding child support.

For the reasons discussed below, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions and limitations. See ORS 192.420. The copy of the federal audit requested in number one above is not exempt from disclosure, and the agency has agreed to send it to you upon receipt of fees as discussed below.

DHR does not evaluate the staff in the Washington County District Attorney's office. Therefore, there is no information regarding the staff which can be forwarded to you.

The Adult and Family Services Division (AFSD) is willing to forward to you the most recent Fiscal Examination of the Records of the Washington County District Attorney's Support Enforcement Section which covers Fiscal Year 1991-92 and the results of the latest Compliance Examination, which was conducted by AFSD in 1990. The latter document would have individual case names and case numbers removed in order to preserve confidentiality pursuant to 45 CFR 303.21.

Under OAR 461-105-160, the Adult and Family Services Division (AFSD) may charge the cost of providing written public records. In your case, costs under that rule include the cost of reproducing the record, third class postage at the prevailing U.S. postal rate, a reasonable charge for handling the record and staff time as necessary to research and reproduce the record. AFSD has advised me that the cost for the copy of the federal audit is $13.11. They have further advised that the total cost for the two documents for Washington County is $11.36. If you desire to receive any of these documents, please forward the appropriate fees to Phil Yarnell, Oregon IV-D Director, Adult and Family Services Division, PO Box 14170, Salem, OR 97309. As soon as you have paid the fees, the records will be forwarded to you.

In conclusion, since AFSD agrees to release the federal audit to you, we deny that portion of your petition as moot. As to the staff records you requested but which do not exist, the Attorney General has no authority to order disclosure and we therefore deny that portion of your petition, too. See ORS 192.450.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:krg/JAA00E4D

cc: Phil Yarnell
Oregon IV-D Director