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October 5, 1993

Paul Chapin
Oregon State Correctional Institution
SID #6252813
3405 Deer Park Dr., S.E.
Salem, OR 97310-9385

Re: **Petition for Public Records Disclosure Order**
Curry County Trial Court Records

Dear Mr. Chapin:

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 direct the Curry County Circuit Court to make available certain records concerning case no. 92-CR-148.

The Curry County trial courts are administered by the Trial Court Administrator. We respond to your petition as if it were made to the Trial Court Administrator, Dee Fendrich. For the reasons that follow, we respectfully deny your petition as moot.

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 understand Ms. Fendrich has agreed to provide the records you requested, to the extent that they exist in the custody of the Trial Court Administrator, and will be forwarding them to you. Because the records you requested are being provided to you, your petition is denied as moot.[1/]

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to
the Attorney General

ESH:LRR:lrr:cfs/JGG07E67
c: Linda Zuckerman
Legal Counsel
Office of the State Court Administrator
Supreme Court Building
1163 State Street
Salem, OR 97310

Dee Fendrich
Trial Court Administrator
Curry County Courthouse
P.O. Box H
Gold Beach, OR 97444

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[1/] Your petition also refers to a request made to the Clackamas County District Attorney. This order does not address the request made to the district attorney. When a request to inspect or copy a public record is denied by an elected official, the person requesting the record must institute proceedings in the appropriate circuit court to seek relief from that claim of right to withhold disclosure. ORS 192.480. By advising you of this procedure, we do not express an opinion on whether the District Attorney has in fact denied a public records request in this matter.