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November 9, 1993

Mr. Kim Smith
P.O. Box 5505
Eugene, OR 97405

Re: Petition for Public Records Disclosure Order
HIV/AIDS Resources, Inc. Records

Dear Mr. Smith:

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 November 3, 1993, asks the Attorney General to direct the Health Division to make available various materials concerning the contractual relationship between the State of Oregon and HIV/AIDS Resources, Inc., and other materials concerning HIV/AIDS Resources, Inc. For the reasons that follow, we respectfully deny your petition.

Liz Fosterman, Grants Coordinator of the State HIV Program, informs us on behalf of Robert McAlister, the manager of that program, that the state agency has not received a request from you for the records described in your petition.[1] Absent a request to, and a denial by, a state agency, the Attorney General has no authority to order the agency to disclose records. *See* ORS 192.450(1). Accordingly, we deny your petition as premature.

Sincerely,

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:jpl/JAA00ED3.W51
cc: Robert McAlister

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[1] We have forwarded your request to Robert McAlister, and have been informed that the agency will be sending you a response.