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November 19, 1993

Philip McClure
SID #5072942
2605 State Street
Salem, OR 97310-0505

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

Dear Mr. McClure:

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 15, 1993, asks the Attorney General to direct the Lane County Trial Court Administrator to provide certain records concerning case no. 10-82-09308. For the reasons that follow, we respectfully deny your petition.

The Attorney General may order a state agency to disclose records only where the agency has first denied a request for the records. ORS 192.450(1). In this case the Lane County Trial Court Administrator, Mary Helf, responded to your request for the records with a letter dated March 9, 1993 which said that the Lane County Trial Courts did not have in their custody the records you requested. Ms. Helf is obligated to provide only those records for which she is the custodian. *See* ORS 192.430, 192.440. Because the records you seek are not in the custody of the Trial Court Administrator, the Attorney General has no authority to order disclosure. Accordingly, your petition is denied.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:LRR:AV:cfs/JGG08419
c: Linda Zuckerman, Legal Counsel
Office of the State Court Administrator

Mary L. Helf, Trial Court Administrator
Lane County Trial Courts