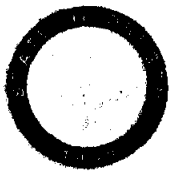
THEODORE R. KULONGOSKI
ATTORNEY GENERAL

THOMAS A. BALMER
DEPUTY ATTORNEY GENERAL



DEPARTMENT OF JUSTICE
1162 Court Street NE
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Salem, Oregon 97310
Telephone: (503) 378-4400
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November 26, 1993

Stephen Strickland
P.O. Box 412
Milton-Freewater, OR 97862

Re: Division of State Lands/Department of Environmental Quality Public Records Request
DOJ File Nos. 340-310-0095, 141-330-GO013-87

Dear Mr. Strickland:

This letter is the Attorney General's order in response to your letter of November 15, 1993, which we take to be a petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your letter, which we received on November 18, requests "a complete unabridged copy of my file from Division of State Lands and Department of Environmental Quality, including, but not limited to, interagencies correspondences and internal memos. Along with this information, please send me the name, address and telephone numbers of their bonding companies, and their bond policies numbers."

The Division of State Lands (DSL) and Department of Environmental Quality (DEQ) tell us that you have not requested these documents from them, and that they have not denied you access to their files. Thus, technically speaking, the Attorney General is not authorized to act on your request at this time. Under the Public Records Law, a person may petition the Attorney General to order release of public records only after a request for release has been denied by a state agency or official. See ORS 192.450.

Nevertheless, we have consulted with DEQ and DSL, and those agencies are willing to provide you with the opportunity to inspect all documents concerning you that those agencies possess and which are releasable under the Public Records Law. To make

arrangements to inspect those records, please contact Holly Duncan at DEQ (503-229-6742) and Steve Purchase at DSL (503-378-3805). Although you are entitled to copy those records, keep in mind that the Public Records Law and agency rules authorize the agencies to charge you for the cost of such copying. ORS 192.440.

We were unclear about your request concerning "the name, address and telephone numbers of their bonding companies, and their bond policies numbers." If the agency files do not contain what you are looking for, please clarify your request for DSL and DEQ.

Sincerely,

/s/

THOMAS A. BALMER
Deputy Attorney General

TAB:wrc:tmt/JGG08529
c: Steve Purchase, DSL
Holly Duncan, DEQ
bc: Shelley McIntyre, DOJ
Bill Cook, DOJ