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December 9, 1993

Lester R. Lemke
PO Box 1524
Coos Bay, OR 97420

Re: **Petition for Public Records Disclosure Order:**
Legislative Administration Committee OLIS Access

Dear Mr. Lemke:

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 received on December 7, 1993, asks the Attorney General to order the Legislative Administration Committee (LAC) to provide access to the OLIS System via toll-free telephone line to Mr. Gordon Ivey and all "handicapped individuals in the State of Oregon who desire modem access". For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain limitations and exemptions. 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, Christie Canby, Information Services Manager for the Legislative Administration Committee advises that she received a written request from Mr. Ivey on November 17, 1993. Mr. Ivey seeks authorization to access the OLIS system via computer modem, and also seeks waiver of any fees for that access. Ms. Canby informs me that she has advised Mr. Ivey that she will bring his request before the Legislative Administration Committee (LAC) at its next meeting, which is currently scheduled for January, 1994. The LAC will make a final decision regarding Mr. Ivey's request.

The Public Records Law provides that any person who is denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the public record to determine if the record may be withheld from public

inspection. ORS 192.450. In this instance, the request for public records was made to LAC by Mr. Gordon Ivey. Your petition does not allege that you have been denied access to public records.

Absent a denial of Mr. Ivey's request by LAC, the Attorney General does not have jurisdiction to order disclosure. *See* ORS 192.450. Absent a petition from a person who has been denied the right to inspect or receive a copy of a public record of a state agency, the Attorney lacks jurisdiction to order disclosure. *Id.* Your petition is, therefore, denied.

Sincerely,

Elizabeth A. Harchenko

ELIZABETH HARCHENKO
Special Counsel to the
Attorney General

ESH:SMT:AV:cfs/JGG086E7
c: Christie Canby
Information Services Manager
Oregon Legislative Information System
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