DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

JAMES E. MOUNTAIN, JR.
DEPUTY ATTORNEY GENERAL



DEPARTMENT OF JUSTICE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

May 18, 1990

David L. Strayer
P.O. Box 9252
Portland, Oregon 97207

Re: **Petition for Public Records Disclosure Order; Multnomah County Circuit Court Records**

Dear Mr. Strayer:

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 May 11, asks the Attorney General to order disclosure of:

(1) Photocopies of notes, or a correct transcript, of all ex parte appearances by attorney Charles Hinkle in case number A8802-01112; and

(2) Photocopies of notes, or a correct transcript, of the appearance of Ms. Dianne Linn on Wednesday, November 15, 1989, before Judge Londer concerning case number A8802-01112.

For the reasons that follow we deny your petition.

1. Appearances by Charles Hinkle

Before the Attorney General may order disclosure of records under the Public Records Law, a public body first must have denied a person access to those records. See ORS 192.450(1). Here, it does not appear that you have been denied access to those records. You attached to your petition a March 28, 1990, letter to you from Paul W. Newton, the circuit court's administrative clerk. That letter explained the court clerk's response to your request and the underlying reasons. The court clerk has not denied your request. It merely has asked for additional information necessary to enable the court reporter to find her notes on the specific appearances with which you are concerned.

The Public Records Law requires public bodies to provide "reasonable" opportunities for inspection of public records. ORS 192.430. In asking for the additional information, the circuit court clerk has acted reasonably and has not denied your request. Therefore, this office may not order the court clerk to disclose the records at issue.

There are two additional barriers to your petition on this point. First, your petition asserts that Judge Londer personally denied your records request. Judge Londer is an elected official. Therefore, under ORS 192.480 we may not consider your petition. See Public Records Order, December 22, 1988 (Larson). Second, to the extent that your petition essentially asks us to review Judge Londer's response to your petition for a writ of mandamus, we may not do so under the Public Records Law.

2. Appearance by Dianne Linn

We have been informed that the court reporter has no notation regarding Ms. Linn in case number A8802-01112 on the date that you have supplied. Therefore, we cannot direct the court to disclose the requested record.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:RDW:cm
cc: Paul W. Newton, Administrative Clerk
Multnomah County Circuit Court
Multnomah County Courthouse
1021 S.W. 4th Ave.
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