DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

JAMES E. MOUNTAIN, JR.
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DEPARTMENT OF JUSTICE

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

June 1, 1990

Kerry W. DiSorbo
2605 State Street
Box 52083
Salem, OR 97310

Re: Petition for Public Records Disclosure Order; Multnomah County District Attorney Records

Dear Mr. DiSorbo:

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 30, asks the Attorney General to order Deputy District Attorney Marilyn Curry to disclose certain records. For the reasons that follow, we deny your petition.

Your petition alleges only that your request for records was denied by Ms. Curry, a subordinate of the Multnomah County District Attorney. Viewed either as the ultimate custodian of the records or in his role under the Public Records Law as the official responsible for reviewing public records decisions by local governments, the district attorney is the proper official to whom to direct your petition. If Mr. Schrunk denies your petition, the Attorney General would not review that denial. Public Records Order, January 21, 1988 (Wright) (under ORS 192.480, Attorney General may not order the district attorney, an elected official, to release public records). Rather, ORS 192.480 and 192.490 establish the procedure to obtain judicial review of a district attorney's denial of a records request.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:RDW:cm/9154a
cc: Marilyn A. Curry, Multnomah County Deputy District Attorney
David Hattrick, Multnomah County Deputy District Attorney