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DEPARTMENT OF JUSTICE

Justice Building
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Telephone: (503) 378-4400

August 3, 1990

Philip G. Simonski
HCR 87, Box 500
Baker, OR 97814

Re: Petition for Public Records Disclosure Order; Department of Environmental Quality Records

Dear Mr. Simonski:

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 July 27, asks the Attorney General to direct the Department of Environmental Quality (DEQ) to disclose records concerning the qualifications of Mr. Robert Harris, a DEQ employee. For the reasons that follow, we respectfully deny your petition.

We understand from conversations with the personnel staff at DEQ that no one has denied you the opportunity to inspect Mr. Harris' personnel file. Rather, you were told that they would not provide that information over the phone, but that you could come in and review Mr. Harris' file.

Absent a denial of access to public records, the Attorney General lacks authority to issue a disclosure order. ORS 192.450(1). Accordingly, your petition to the Attorney General is premature, because the agency has not refused to disclose the information you requested. On that basis, we deny your petition.

The DEQ informs us that you may contact Dawn Richardson at 229-6723 to arrange a convenient time for you to review the portions of Mr. Harris' personnel file that fall within your request.

Sincerely,

Richard Wetherman for Pamela L. Abernethy

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:SKM:RDW:aml/6832G

c: Wendy Sims, Manager
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