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September 20, 1990

Bruce M. Hall
Ball, Janik & Novack
One Main Place
101 S.W. Main Street, Suite 1100
Portland, OR 97204-3274

Re: **Petition for Public Records Disclosure Order; State Accident Insurance Fund Corporation Records**

Dear Mr. Hall:

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 September 13, 1990, asks the Attorney General to order the State Treasurer, the Department of Revenue and its Director, and the State Accident Insurance Fund Corporation (SAIF) to produce copies of "[t]he minutes of executive and subcommittee meetings of SAIF's Board of Directors, from its inception until March 14, 1989, not limited to but including the March 11, 1983 Executive Session Minutes." For the reasons that follow, we deny your petition as premature.

Initially, we note that through our inquiry we have determined that neither the State Treasurer nor the Department of Revenue has any of the records that you seek. Accordingly, we will limit our attention to SAIF.

Under the Public Records Law, the Attorney General may order an agency to disclose public records only after the agency has received and denied a request for records under the law. See ORS 192.450(1). Although you have sought the records at issue through civil discovery in the Alsea Veneer litigation, we understand that you have never sought the records under the Public Records Law. The former is not a substitute for the latter. Cf. State v. Spada, 286 Or 305, 309-10, 594 P2d 815 (1979) (demand for criminal discovery under federal Due Process Clause does not constitute a request for

public records under the Public Records Law). Because you have not made a public records request, your petition to the Attorney General is premature.

SAIF has agreed to treat your petition as a request for disclosure under the Public Records Law. It is currently reviewing that request, and will respond within a reasonable time, as required under the law.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

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