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DEPARTMENT OF JUSTICE
Justice Building
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November 20, 1991

Jeffrey S. Merrick
Allen, Kilmer, Yazbeck, Chenoweth & Voorhees
1600 Security Pacific Plaza
1001 S.W. Fifth Avenue
Portland, OR 97204

Re: **Petition for Public Records Disclosure Order; Boxing and Wrestling Commission Records**

Dear Mr. Merrick:

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 November 15, 1991, asks the Attorney General to direct the Oregon Boxing and Wrestling Commission (commission) to produce "copies of the tape of the executive session of the Boxing and Wrestling Commission meeting of October 16, 1991." We respectfully deny your petition as premature.

The Attorney General has authority to order a state agency to disclose records only where the agency first has denied a proper request for those records. See ORS 192.450(1). Here, you directed your request to Assistant Attorney General Thomas Twist, not the commission. Although we understand and appreciate your caution in seeking the requested records in that fashion, we have no objection to your contacting the agency directly for the sole purpose of making the records request. Because the commission has not denied your request, your petition is premature.

In this instance, the commission has agreed to treat your petition to this office as a request for records. Accordingly, the commission will consider your request and respond within a reasonable time.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:RDW
c: Bruce Anderson, Executive Director
Boxing and Wrestling Commission
9450 SW Commerce Circle, Suite 315
Wilsonville, OR 97070
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