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DEPARTMENT OF JUSTICE
1162 Court Street NE
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Salem, Oregon 97310-0506
Telephone: (503) 378-4400
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December 10, 1999

Vernon Beard
Box 524
John Day, OR 97845

Re: *Petition for Public Records Disclosure Order: Department of Business and Consumer Services Records*

Dear Mr. Beard:

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 December 6, 1999, asks the Attorney General to order that records related to a fine imposed by the Department of Consumer and Business Services in April 1999 be made available to you. Your petition does not state who you would like this office to order to disclose the records. In a telephone conversation with our office, you indicated that Kristin Long, City Clerk of Seneca, Oregon, had refused to disclose this record and that, when you asked the district attorney to review the clerk's decision, the district attorney had refused to order the disclosure. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. If a local government body or official, other than an elected official, denies a request to inspect a public record, a petition for disclosure may be filed with the district attorney for the county. ORS 192.460. If the district attorney does not order the local government body or official to provide an opportunity for inspection of the public record, the person requesting inspection may give notice and file suit in the circuit court for the particular county. ORS 192.460, 192.450(2).

The Attorney General does not review the actions of the district attorney when the district attorney denies a disclosure petition under ORS 192.460. The Attorney General does not have authority to order the district attorney to order disclosure of county or city public records.

If a state agency denies a request to inspect a public record of the state agency, a petition for disclosure may be filed with the Attorney General. ORS 192.450. We understand that you have not asked the Department of Consumer and Business Services Building Codes Division to permit you to inspect any of its records.[1/] Because you have not requested and been denied access to records by the Building Codes Division, the Attorney General lacks authority to order that agency to disclose its records. *See* 192.450(1).

For these reasons we deny your petition to compel disclosure.

Sincerely,



DAVID SCHUMAN
Deputy Attorney General

AGS03611
cc: Thomas C. Howes
Grant County DA
201 S. Humbolt St. #100
Canyon City, OR 97820

[1/] If you want to inspect Building Codes Division records related to an April 1999 order, you must ask the Building Codes Division directly. You could make a written request to: Dana Roberts, Building Codes Division, P.O. Box 14470, Salem, Oregon 97309.