HARDY MYERS
ATTORNEY GENERAL

DAVID SCHUMAN
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

1162 Court Street NE
Justice Building
Salem, Oregon 97310-0506
Telephone: (503) 378-4400
TDD: (503) 378-5938

November 18, 1999

Alan Pittman
The Eugene Weekly
1251 Lincoln Street
Eugene, OR 97401

Re: *Petition for Public Records Disclosure Order: Governor's Records*

Dear Mr. Pittman:

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 10, 1999, asks the Attorney General to order the Governor's office to provide you with documents that were not disclosed in response to your October 7, 1999, request to the Governor for:

> any and all memos, e-mail, correspondence, notes, drafts, reports, tapes or any other documents or records concerning or relating to Senate Bill 245 * * *. The request applies to all records or documents in the [G]overnor's office department before the date on which the request is filled.

By letter dated November 8, 1999, Henry H. Lazenby, Jr., Legal Counsel for the Governor, provided you with "the non-exempt contents of the Governor's office bill file on Senate Bill 245." Thus, the Governor's legal counsel effectively denied your request for the records that are the subject of your petition.

ORS 192.480 provides in relevant part:

> In any case in which a person is denied the right to inspect or to receive a copy of a public record in the custody of an elected official, or in the custody of any other person but as to which an elected official claims the right to withhold disclosure, no petition to require disclosure may be filed

> with the Attorney General * * * or if a petition is filed it shall not be considered by the Attorney General * * * after a claim of right to withhold disclosure by an elected official.

The Governor is an elected official. Because the Governor, through his legal counsel, has claimed the right to withhold disclosure of these records, the Attorney General declines to consider your petition further.

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

AGS03436

c: Henry H. Lazenby, Jr.
Legal Counsel to the Governor
The State Capitol
Room 160
Salem, OR 97310-0370