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March 12, 1999

Andrew W. Carter
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112 West Fourth Street
The Dalles, Oregon 97058

Dear Mr. Carter:

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 March 4, 1999, asks the Attorney General to direct the Board of Medical Examiners (board) to produce copies of disclosable material from the licensure file and investigative file of Edward A. Galen, M.D., a physician licensed to practice medicine in the State of Oregon. As discussed below, we respectfully deny your petition because the petition is premature.

Michael Sherman, Chief Investigator for the board, has informed us that the board has provided to you verification of licensure and information pertaining to the malpractice search. Mr. Sherman also informed us that the board intends to respond to your request for disclosable material from the investigative file and to provide to you copies of disclosable material from Dr. Galen's licensure file.

The board has a "reasonable" time to respond to a records request. *See* ORS 192.430; OREGON ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL 6 (1997). Because the board is still in the process of responding to your request for disclosure of records, it is premature for us to consider any portion of the board's response as a denial of your request.[1/] Accordingly, we deny your petition as premature.

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

[1/] If a health regulatory board does deny a request for disclosure of its records, the requestor may petition the Attorney General for review of the board's denial. Either on or before the date the petition is filed with the Attorney General, however, the requestor must also send a copy of the petition to the board. ORS 192.450(4).