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February 8, 1999

RECEIVED
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GENERAL COUNSEL
DEPT. OF JUSTICE
SALEM, OREGON

David R. Struble
161 Cantamar Street
Henderson, NV 89014

Re: *Petition for Public Records Disclosure Order*
Workers' Compensation Claim Records

Dear Mr. Struble:

This letter is the Attorney General's order on your petitions for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. We received your petitions on February 4, 1998. Two of those petitions ask the Attorney General to direct the Workers' Compensation Division and the Workers' Compensation Ombudsman to make available records regarding your workers compensation claim. We have been informed by Mark Chryssanthis, Information Resource Unit Manager of the Workers' Compensation Division, that the division has agree to mail you a copy of your claim records no later than February 5, 1999. Therefore, we deny your petition as moot with respect to the division.

Maria Carraher, Workers' Compensation Ombudsman, informs us that the Office of the Ombudsman does not have a copy of the records that you seek. The Omsbudsman's Office is not the custodian of those records. *See* ORS 192.410(1). The Attorney General cannot order an agency to produce records that it does not have. Accordingly, we also deny your petition with respect to the Ombudsman's Office.

The rest of your petitions requested the Attorney General to order the following entities or persons to provide you with documents in their possession: Managed Health Care Northwest; Carolyn McMakin, D.C; P & C Construction Company; Floyd Shebley; and Geoffrey Wren. Because they are not state agencies, the Attorney General does not have jurisdiction to order

them to disclose their records. *See* ORS 192.450(1). Accordingly, we respectfully deny the remainder of your petitions for lack of jurisdiction.

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

AGS01612

cc: Mark Chryssanthis, Information Resource Unit Manager
Maria Carraher, Workers' Compensation Ombudsman
Managed Health Care Northwest
P & C Construction Company
Carolyn McMakin, M.A., D. C.
Floyd Shebley, Attorney at Law
Geoffrey Wren, Attorney at Law