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November 24, 1998

Adam Dean
Attorney at Law
3565 N.E. Broadway
Portland, OR 97232

Re: *Petition for Public Records Disclosure Order: Oregon State Police Records*

Dear Mr. Dean:

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 17, 1998, asks the Attorney General to direct the Oregon State Police (OSP) to produce copies of police reports in case # 9800247650 (citation # B573843 issued on July 5, 1998). For the reasons that follow, we respectfully deny your petition.

The Attorney General may order a state agency to disclose records only where the agency first has denied a request for public records. ORS 192.450(1). In your petition, your assert that you consider OSP's lack of response to be a denial of the agency to produce the records requested.

We have spoken with Lt. Peter W. Spirup who informs us that he does know why you did not receive a response to your records request, but that he suspects your request might have just fallen through the cracks. Lt. Spirup further informs us that OSP is providing you the police reports you have requested. Although an unreasonable delay in responding to a records request may in some circumstances

constitute a denial, here there was no denial. Because OSP has not denied your records request, we deny your petition as premature.

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

AGS01054
c: Lt. Peter Spirup, OSP