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September 16, 1998

Bill Birhanzl
1125 SE 202nd Avenue
Boring, Oregon 97009

Re: *Petition for Public Records Disclosure Order: Oregon Board of Investigators' Records*

Dear Mr. Birhanzl:

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 September 9, 1998, asks the Attorney General to direct the Oregon Board of investigators (board) to make available to you for inspection and to "provide reasonable facilities for making memoranda and abstracts from" the following records:

> Executive Director Michael Jacobs' application for employment and resume submitted pertinent to his employment with the [Board of Investigators].

For the following reasons, we respectfully deny your petition.

We have spoken with Mr. Jacobs regarding your petition. Mr. Jacobs advised us that the documents you requested contained his home address and telephone number, both of which are exempt from disclosure under the Public Records law. ORS 192.502(3). This exemption does not apply "to the extent that the party seeking disclosure shows by clear and convincing evidence that the public interest requires disclosure in a particular instance." ORS 192.502(3)(B). You have not provided any evidence that the public interest requires disclosure in this instance, nor have we identified any such overriding public interest. We therefore conclude that ORS 192.502(3) exempts this information from disclosure.

Mr. Jacobs also advised us that he did not have excised copies of the documents you requested when you appeared and asked to inspect them. Since then, however, he has prepared the excised copies and mailed them to you. Absent a state agency's denial of a public

records request, the Attorney General has no jurisdiction to order the agency to disclose records. *See* ORS 192.450(1).

With respect to the documents Mr. Jacobs sent you, we deny your petition as moot. With respect to the excised information, we deny your petition because that information is exempt from disclosure under ORS 192.502(3).

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

AGS00706
c: Michael Jacobs, Executive Director, Board of Investigators