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September 3, 1998

Fred Ryan
Oregon Golden Gloves
P.O. Box 83135
Portland, OR 97203

Re: *Public Records Disclosure Order*
Oregon State Boxing and Wrestling Commission Records

Dear Mr. Ryan:

On August 26, 1998, you wrote a letter to the Oregon State Boxing and Wrestling Commission (commission) on which you appended a note asking the Attorney General to ensure that the commission "responds lawfully" to your request for records and information from that agency. We are treating that communication to the Attorney General, which we received on August 28, 1998, as a petition under the Oregon Public Records Law, ORS 192.410 to 192.505, asking the Attorney General to direct the commission to make those records available to you. This letter is the Attorney General's order on that petition.

The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions and limitations. ORS 192.420. The law requires that the custodian of the public records provide "proper and reasonable" opportunities for inspection of the records. ORS 192.430. The public body may establish fees reasonably calculated to reimburse it for making records available. ORS 192.440. A person who is denied the right to inspect or receive a copy of a public record of a state agency may petition the Attorney General to review the record, determine if it may be withheld from public inspection, and issue an order granting or denying the petition. ORS 192.450.

In your August 26, 1998 letter to the commission, you asked the commission to provide you with the "names of all individuals and entities licensed in the following capacities in the last bi-annum [*sic*] by your agency to perform in Oregon: Boxers, Managers, Promoters, Trainers and Seconds, Boxing Commission Officials, i.e., Timekeepers, Judges,

Referees." You also requested "the names of all bonding companies that have issued bonds for boxing and wrestling promoters in Oregon for the last bi-annum."

In your appended communication to the Attorney General, you stated that this request to the commission was your "second request." We are informed by Bruce Anderson, Director of the Boxing and Wrestling Commission, that on September 16, 1997, you requested the commission to provide you with "a list of boxers, managers and promoters currently licensed by the State of Oregon," as well as information relating to three named promoters. On October 20, 1997, the commission provided you with the requested information relating to the three named promoters. The commission informed you, however, that its records did not include any list or lists of licensed boxers, managers, or promoters. Mr. Anderson has confirmed to us that this is the case.

Under the Oregon Public Records Law, an agency is not required to create a record by compiling information from other records. *See* ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL 5 (1997). And, this office has no authority to order an agency to produce records that do not exist. *See* ORS 192.450(1).

You have now requested the "names of all individuals and entities" licensed as boxers, managers, promoters, trainers and seconds, and boxing commission officials (including timekeepers, judges, and referees), as well as information relating to bonding companies. We are informed by Mr. Anderson that a representative of the commission will be contacting you regarding this request.

Because the commission has not denied your records request of August 26, 1998, your petition to the Attorney General with respect to this request is premature. Accordingly, we respectfully deny your petition.

Sincerely,



DAVID SCHUMAN
Deputy Attorney General

AGS00654
c: Bruce Anderson, Director
Boxing and Wrestling Commission