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DEPARTMENT OF JUSTICE
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January 21, 1998

Don Huberty
191 Ausland Drive
Grants Pass, OR 97526

Re: *Petition for Public Records Disclosure Order: Department of Administrative Services, Risk Management Division Records*

Dear Mr. Huberty:

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 January 15, 1998, asks the Attorney General to direct the Department of Administrative Services to provide copies of records of "tort claim settlement payments by risk/management to injured parties by name and $ amount for past 5 years".

For the reasons that follow, we respectfully deny your petition. You stated in your petition that your request for the above-described records of tort claim settlement payments was denied by Dave White, Assistant Director of the Department of Administrative Services, by telephone on January 13, 1998. Mr. White has stated to us that in that telephone conversation you made no request for records and he did not deny any request for records. Mr. White also told us that he did not receive and has not seen the letter you provided to us dated December 22, 1997, in which you requested "a short list of recent cases involving U.S. constitutional issues."

The Attorney General may order a state agency to disclose records only where the agency has first denied a request for the records. ORS 192.450(1). Because the agency has

not denied a request, the Attorney General has no authority to order disclosure.[1/] Accordingly, your petition is denied.

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

JAA0290A
c: Dave White
Assistant Director
Department of Administrative Services
155 Cottage St NE
Salem, OR 97310

Dan Hartman
Administrator
Risk Management Division
155 Cottage St NE
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[1/] You may make a public records request directly to the Risk Management Division if you choose. You need to state clearly what records you seek. The Division may charge fees for the actual cost of making the records available. ORS 192.440(3).