HARDY MYERS
ATTORNEY GENERAL

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DEPARTMENT OF JUSTICE
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January 3, 1997

Paul Meadowbrook
Patrick and Meadowbrook
Attorneys at Law
P.O. Box 884
Salem, OR 97308

Re: Petition for Public Records Disclosure:
Fairview Training Center

Dear Mr. Meadowbrook:

This letter is the Attorney General's order on your petition[1/] for disclosure of records under the Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on December 27, 1996, asks the Attorney General to direct Fairview Training Center (Fairview) to provide copies of:

1. Correspondence dated on or about May 14, 1996 from Ms. Parnell or Stephanie Reitmejer to Cascade Centers, Inc. concerning the mandatory referral of Ms. Young.

2. Notes of interviews and contacts with co-workers regarding alleged actions for which Fairview discharged Ms. Young.

3. Records regarding Ms. Young's grievance, including notes, records and correspondence with AFSCME and the Department of Administrative Services.

4. Ms. Young's monthly timesheet records.

5. Ms. Young's personnel action forms.

[1/] Your petition was filed on behalf of your client, Pat Young.

Gail Parnell, Fairview's Personnel Director, informs us that Fairview has previously provided to you a copy of Ms. Young's official personnel file. To the extent that the records identified in your petition were not included with those already provided, Ms. Parnell further informs us that Fairview agrees to send to you those items, should they exist,[2/] upon your prepayment of the estimated costs of making the records available.[3/] Ms. Parnell states that the agency estimates those costs to be $120.00.

Your petition identifies Ms. Young's monthly timesheet as records you seek. Ms. Young worked at Fairview for approximately three years. According to Ms. Parnell, Fairview must compile the requested timesheets from those it maintains for all of its employees. This cost is included in the above estimate. If you do not actually wish to receive Ms. Young's timesheets for the full period of her employment at Fairview, you may wish to contact Ms. Parnell to identify the particular timesheets that you are requesting.

Because Fairview has agreed to provide to you the records requested upon prepayment of its actual costs of locating and copying the records, we respectfully deny your petition as moot.

Sincerely,

/s/

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

JOH:AV:nag/JGG0F206
c: Gail Parnell, Personnel Director
Fairview Training Center

[2/] Ms. Parnell advises us that Fairview received no evaluations regarding Ms. Young from Cascade Centers, Inc. The Attorney General has no authority to order an agency to produce records that do not exist. *See* ORS 192.450(1).

[3/] The Public Records Law permits public bodies to recover fees reasonably calculated to reimburse them for their actual costs in making public records available, including the time spent by agency staff in locating, reviewing and copying the records requested. *See* ORS 192.440(8). A public body may estimate its costs for responding to a records request and require prepayment of those estimated costs before acting upon a records request. OREGON ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (1995) at 10.