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DEPARTMENT OF JUSTICE
1162 Court Street NE
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Telephone: (503) 378-4400
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January 22, 1997

A. David Rodriguez
87984 Heather Dr.
Springfield, OR 97478-8672

Re: ***Petition for Public Records Disclosure Order: Children's Services Division Records***

Dear Mr. Rodriguez:

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, 1997, asks the Attorney General to direct the Oregon State Bar (OSB) to produce copies of:

1. All minutes of SPRB required to be kept under ORS 192.650 and BOG Policy 9.206.

2. Other correspondence in this matter. BOG Policy 9.203.

3. Case summaries and other investigative reports prepared for the SPRB - BOG Policy 9.204.

4. All other items as requested in Exhibit 2 and in the attached complainant's narrative.

5. References and disclosure of the SPRB regarding the involvement of Laurence E. Thorp in this matter.

For the reasons that follow, we respectfully deny your petition.

With respect to item #1, Jeffrey Sapiro, OSB Disciplinary Counsel and Director of Regulatory Services, informs us that on January 21, 1997, OSB sent to you the minutes of the SPRB meeting held on December 19, 1996, at which your ethics complaints against

attorneys Charles O. Porter and Jack Levy were discussed. Mr. Sapiro states that these are the only written records OSB has of that meeting. In the cover letter to your petition, you suggest that appropriate minutes were not kept by OSB or SPRB as required by the Oregon Public Meetings Law, ORS 192.650. This office has no enforcement authority with respect to the Public Meetings Law and, under the Public Records Law, cannot order a public body to disclose records that do not exist. Because OSB has disclosed to you all existing minutes, as to item #1, we deny your petition as moot.

With respect to items #2, #3 and #4, Mr. Sapiro informs us that all existing records have been disclosed to you.[1/] As to these items, we also deny your petition as moot.

Finally, with respect to item #5, it does not appear that you have previously requested records containing such information from OSB.[2/] Absent a request to, and a denial by, a public body for records, this office lacks jurisdiction. *See* ORS 192.450(1).

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

AV/JGG0F392
c: Jeffrey D. Sapiro, OSB Disciplinary Counsel

[1/] According to Mr. Sapiro, the staff reports prepared by Geoffrey Wyatt, Assistant Regulatory Counsel, are the only OSB records that come within item #3.

[2/] Mr. Sapiro informs us that the only OSB records containing the information you seek in item #5 are the minutes of the SPRB meetings. As noted above, those records have now been sent to you.