HARDY MYERS
ATTORNEY GENERAL

DAVID SCHUMAN
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97310-0506
Telephone: (503) 378-4400
TDD: (503) 378-5938

February 19, 1997

Monte H. Harmon
P.O. Box 620
La Pine, OR 97739

Re: ***Petition for Public Records Disclosure Order: Oregon Department of Revenue Records***

Dear Mr. Harmon:

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 February 12, 1997, asks the Attorney General to direct the Oregon Department of Revenue (department) to make available certain public records held by the department with respect to you and Elizabeth A. Harmon.[1/] For the reasons that follow, we respectfully deny your petition.

On February 10, 1997, you and Elizabeth A. Harmon submitted a letter to the department requesting "complete and uncensor[e]d copies of the records kept on us by the Oregon Dept. of Revinue (sic) from Jan. 1, 89 thru (sic) the date the copies are made. As computer generated copies can be alter[e]d in the copying process, they will not be accepted nor paid for." You enclosed a $4.00 document charge and stated that any other "justifiable fees will be remit[t]ed when we receive billing."

Linda Setala, of the department's Bankruptcy Section, informs us that the department will send you copies of all returns or payment information that the department has for the years you requested that are maintained on paper. Ms. Setala further states that the department will also send copies of all information that is maintained by computer and from which a computer print out may be generated, if you wish to receive copies of those records.

[1/] The department informed us that you and Elizabeth Harmon filed joint returns for the years requested.

For purposes of the Public Records Law, a public record includes information maintained on paper or in electronic or microfiche form. ORS 192.410. Pursuant to ORS 192.430, the custodian of a public record that is maintained in machine readable or electronic form, must "furnish proper and reasonable opportunity [for inspection] to assure access to the record." ORS 192.430. The custodian must also provide copies of such machine readable or electronic records in the form requested, if available. ORS 192.440(2). Ms. Setala has also indicated that if you do not wish to receive copies of the computer records, the department will provide an opportunity for you to view the original records on the computer.

Specifically, Ms. Setala has informed us that the department will send you copies of the returns filed by you and Elizabeth Harmon for the years 1989 through 1995 and copies of any applicable refund checks. She will also send copies of the records in the department's collection file which includes, in addition to the tax returns, correspondence, garnishment documents and contact notices. You may contact Linda Setala at 503-945-8785 to make arrangements to obtain the requested records.

Because the department has agreed to provide copies of the requested records upon receipt of the appropriate fees from you for its photocopying costs,[2/] we deny your petition as moot.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to
the Attorney General

ESH:CCB:AV:JAA02277

c: Linda Setala, Bankruptcy Section, PTAC Division, Dept. of Revenue

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[2/] The department may charge a fee reasonably calculated to cover its costs in making copies of the records available to you. ORS 192.440(3); OAR 150-192.440.