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

April 2, 1997

Lynn-Marie Crider
Attorney at Law
Oregon Public Employees Union
P.O. Box 12159
Salem, OR 97309-0159

Re: *Petition for Public Records Disclosure Order*
Department of Administrative Services Records

Dear Ms. Crider:

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 March 31, 1997, asks the Attorney General to direct the Department of Administrative Services (DAS) to provide records regarding a fact-finding review conducted by Jerry Larsen and Nancie Helvie in 1996, and records regarding the employment of Connie Sullivan.

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

The Attorney General may order a state agency to disclose records only when the agency first has denied a request for access to such records. ORS 192.450(1) and 192.470. Your petition alleges that your records request was denied in that you have received no response to your request. Jerry Larsen, Auditor, DAS Human Resource Services Division, who is involved in processing your request, informs us that DAS received your request on March 6, 1997, and that DAS has not refused you access to the requested records either orally or in writing. In addition, Dan Kennedy, Administrator, DAS Human Resource Services Division, inform us that the agency's review process has included seeking legal advice from the Oregon Department of Justice regarding your request.

The Public Records Law allows a reasonable period of time for the custodian of records to review a public records request and to act upon it. *Morse Bros. Inc. v. O.D.E.D.*, 103 Or App 619 (1990). Moreover, it is reasonable for the records custodian to

consult with legal counsel about disclosure of documents that appear to be exempt in whole or in part from the disclosure requirements of the Public Records Law. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL 15 (1995). As of the date of your petition, a reasonable period of time had not expired nor had you received either a written or oral denial of your request for the records. For the reasons stated, we deny your petition as premature.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to
the Attorney General

ESH:SMH:AV:jpl/JAA02343

c: Daniel Kennedy, Administrator
Human Resource Services Division
Department of Administrative Services