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DEPARTMENT OF JUSTICE
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April 8, 1997

Leonard David Payton
SID 3487220
2605 State Street
Salem, OR 97310

Re: ***Petition for Public Records Disclosure Order***
Coos County Trial Court Records

Dear Mr. Payton:

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 April 2, 1997, asks the Attorney General to direct the Coos County Trial Court Administrator, Ed Jones, to produce copies of cassette tapes related to case no 95CR1901.

For the reasons that follow, we respectfully deny your petition. Your petition states that your request for the records was denied because you were not sent the tapes. We have discussed your petition with Bradd Swank of the State Court Administrator's office. Mr. Swank informs us that the Coos County Trial Court Administrator's office has not denied your request, that Mr. Jones' staff received your payment for the tapes and has made the copies you requested. Completion of the task was delayed because of a shortage of staff in the Trial Court Administrator's office. Mr. Swank informs us that the tapes, and a refund of the unused portion of the payment, will be mailed to you shortly.

Unless a records request has been denied by a state agency, the Attorney General has no jurisdiction to order the agency to disclose the records. *See* ORS 192.450. Because the

Coos County Trial Court Administrator's office is compiling with your request, we deny your petition as moot.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:LRR:AV:jpl:JAA02354
c: Bradd Swank
Management/Legal Analyst
State Court Administrator's office
Supreme Court Building
Salem, OR 97310

Ed Jones
Coos County Trial Court Administrator
Coos County Courthouse
2nd and Baxter Streets
Coquille, OR 97423