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ATTORNEY GENERAL

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DEPARTMENT OF JUSTICE
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Telephone: (503) 378-4400
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May 28, 1997

Carol Koppenstein
P.O. Box 69
Lebanon, OR 97355

Re: ***Petition for Public Records Disclosure Order: Appraiser Certification and Licensure Board Records***

Dear Ms. Koppenstein:

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 May 21, 1997, asks the Attorney General to direct the Appraiser Certification and Licensure Board (ACLB) to produce copies of:

1. Previous request dated 4-26-97

2. Also - copy of each document in every appraisers file in which my name has been placed.

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

In your petition, you state that on April 25, 1997, Elizabeth Harchenko, Special Counsel to the Attorney General, denied your records request. In fact, Ms. Harchenko's letter dated April 25, 1997, was the Attorney General's order on your petition dated April 16, 1997, which had asked the Attorney General to order the ACLB to mail to you copies of 38 categories of ACLB records. That order, a copy of which is enclosed, stated that with respect to the records described in items 1, 2, 4, 5, 18, 20, 10 and 38, this office denied your petition as moot because the ACLB had offered to make available to you the requested records, to the extent they exist, upon your prepayment of $711.75, which is the ACLB's cost of making those records available. With respect to items 3, 6-15, 17-19, 21, 22, 24-29

and 31-37, that order stated that this office denied your petition as premature because you had not requested those records of the ACLB. Absent a request for records to, and a denial by, a state agency, the Attorney General has no authority to order disclosure. With respect to item 16, your petition was also denied because no such records exist.[1/]

Unless there has been some change in circumstances or apparent error, this office will not issue more than one order on a petition for the same records by the same petitioner. If you wish to receive items 1, 2, 4, 5, 18, 20, 10 and 38 of your original petition, you will need to prepay to the ACLB that agency's cost of making those records available. If you wish to receive items 3, 6-15, 17-19, 21, 22, 24-29 and 31-37 of your original petition, you must first make a request to the ACLB for those records. Linda Riddell, ACLB Administrator, informs us that to date you have not requested these records from the ACLB.

Your current petition also seeks a copy of "each document in every appraisers file in which my name has been placed." Although this request is similar to item 26 in your earlier petition, it appears to seek different records. As is the case with item 26 from your earlier petition, Ms. Riddell informs us that you have not requested such records from the ACLB. Absent a request to and a denial by the ACLB, the Attorney General has no authority to order disclosure. *See* ORS 192.450(1). Accordingly, as to these records, we deny your petition as premature. You must first make a request to the ACLB for these records.

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

JAA02431
c: Linda Riddell, ACLB Administrator
James M. Brown, Attorney at Law
Enfield, Brown, Collins & Knivila
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117 Commercial St. NE
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[1/] No item 23 was listed in your original petition.