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July 24, 1997

Mike Kilpatrick
Attorney at Law
P.O. Box A
Mt. Vernon, OR 97865

Re: ***Petition for Public Records Disclosure Order: Oregon Occupational Safety and Health Division Records***

Dear Mr. Kilpatrick:

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 July 18, 1997, asks the Attorney General to allow inspection and/or copying of records "from any agency that has these records." We infer from the documents attached to your petition that you are seeking records of the Oregon Occupational Safety and Health Division (OR-OSHA) relating to Oral A. Chaney or Chaney Asphalt Paving Company and Ready Mix Concrete.[1/]

Roel Solis, John Murphy, and Larry Lee, OR-OSHA Accident/Fatality Investigators, inform us that neither they nor the agency has received a request from you for any records regarding Mr. Chaney or Chaney Asphalt Paving Company and Ready Mix Concrete. Absent

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[1/] To the extent your letter of July 16, 1997, was intended as an attempt to serve OR-OSHA with the Request for Court Documents, Request for Preservation of Evidence and Request for Stay that was attached to your letter, this office has no authority to accept service on behalf of OR-OSHA under these circumstances. Therefore, we treat your letter as a petition to the Attorney General for a public records disclosure order for documents in the possession of OR-OSHA, even though your letter does not technically meet the requirements of ORS 192.470.

a request to and a denial by a state agency for records, the Attorney General lacks authority to order disclosure. *See* ORS 192.450(1).

Therefore, we respectfully deny your petition as premature.

Sincerely,

DAVE SCHUMAN
Deputy Attorney General

JAA0254E/DS/jh
c: Roel Solis, John Murphy, Larry Lee, OR-OSHA
Edward M. Holpuch, Jr., Grant County DA