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May 9, 1995

W. L. Anderson
783 Christiansen Rd.
Toledo, OR 97391

Re: ***Petition for Public Records Disclosure Order: Oregon State Bar Records***

Dear Mr. Anderson:

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 4, 1995, asks the Attorney General to direct the Oregon State Bar (OSB) to produce copies of "records." For the reasons that follow, we respectfully deny your petition.

Although your petition does not describe the records you seek, *see* ORS 192.470(1), we interpret your petition generally to be seeking OSB records concerning disciplinary action against Gordon MacPherson. Mr. Jeff Sapiro, Director/Disciplinary Counsel, OSB Regulatory Services, informs us that in response to a requested for OSB records, he sent you a letter dated December 8, 1994, stating that you could come to the OSB offices and review all files concerning attorney discipline, which are kept by the attorney's name.

Absent a denial of a records request by an agency, the Attorney General has no authority to order disclosure. *See* ORS 192.450(1). Moreover, we have already issued a public record order on an earlier petition in which you sought copies of various correspondence to and actions by the OSB, including disciplinary action against Gordon MacPherson. In that order, dated December 14, 1992, we denied

your petition because OSB provided you with all materials that it was able to locate in its files.[1/] The Attorney General cannot order a state agency to produce records that do not exist.

Accordingly, we again deny your petition.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:AV:jpl:JAA01819

Attachment

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[1/] A copy of that order is attached.