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September 5, 1997

Erik Nicholson
PCUN
300 Young Street
Woodburn, OR 97071

Re: *Petition for Public Records Disclosure: Blueberry Commission*

Dear Mr. Nicholson:

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 August 12, 1997,[1/] asks the Attorney General to direct the Blueberry Commission (Commission) to release to you "the names and addresses of the blueberry growers that pay assessments to this Commission." For the reasons that follow, we respectfully deny your petition.

Mr. Bryan Ostlund, Administrator for the Commission, informs us that the Commission has agreed to release this information to you. Mr. Ostlund also informs us that, as permitted by the Public Records Law, the Commission will charge a fee for the records at issue.[2/] Mr. Ostlund will contact you within a week to inform you of the amount of the required fee, and to make arrangements for the release of the information you requested.

[1/] We appreciate your extending the time within which the law otherwise would have been obligated us to respond to your petition.

[2/] The Public Records Law expressly authorizes a public body to require payment of a fee "reasonably calculated to reimburse it for its actual cost in making such records available including costs for summarizing, compiling or tailoring such record, either in organization or media, to meet the person's request." ORS 192.440(3).

Because your petition for disclosure of the records is moot, we deny your petition.

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

DS:jh/JAA02606.W51
cc: Bryan Ostlund, Administrator, Blueberry Commission