HARDY MYERS
ATTORNEY GENERAL

DAVID SCHUMAN
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97310-0506
Telephone: (503) 378-4400
TDD: (503) 378-5938

December 24, 1997

Greg Ruddell
c/o John Blake
214 S. Valley Dr.
Nampa, ID 83636

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

Dear Mr. Ruddell:

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, for telephone records for the Curry County trial court. For the reasons which follow, we respectfully deny your petition.

Your petition, which we received on December 17, 1997, requests the Attorney General to order the Trial Court Administrator to provide copies of certain telephone billings. You state that the records provided to you pursuant to your request are not complete. You then ask the Attorney General to "obtain the complete phone records from the Curry County Courthouse requested from September 1993 to December 1993, four billing cycles."

Under the Oregon Public Records Law, the Attorney General has authority to issue a public records order only to "any person ***denied*** the right to inspect or to receive a copy of any public records of a state agency." ORS 192.450(1) (emphasis added).

We understand that you have communicated with Bradd Swank of the State Court Administrator's office concerning your records request. Your request was for telephone records for Judge Downer's office telephone. Mr. Swank informs us that all telephone records for that telephone in the period you requested have been provided and that no other

such records exist. Because no other telephone records for that telephone exist, you have not been denied the right to receive copies of a public record.

You now ask the Attorney General to assist you in obtaining telephone records for the entire Curry County Courthouse for a specified period. Mr. Swank informs us that you have not previously made that request to the Trial Court Administrator. If you make such a request to the Trial Court Administrator, Mr. Swank informs us that he will coordinate the production of those records to the extent that those records are state court records. The Trial Court Administrator would only have records related to the Curry County Trial Courts. You would have to request records from Curry County concerning the county telephone billings for other offices in the courthouse.[1/]

Because the Trial Court Administrator has not denied your request to receive copies of public records, this office has no authority to order disclosure. *See* ORS 192.450. Accordingly, we respectfully deny your petition.

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

JAA02876
c: Bradd Swank
Oregon Judicial Department

[1/] If a public records request is denied by a public body other than a state agency, the district attorney of the county in which the public body is located, rather than the Attorney General, has authority to review that denial. ORS 192.460.