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January 23, 1996

Richard W. Todd
Saxon, Marquoit, Bertoni & Todd
Attorneys at Law
430 Pacific Building
520 S.W. Yamhill St.
Portland, OR 97204

Re: ***Petition for Public Records Order:***
State Board of Psychologist Examiners Records

Dear Mr. Todd:

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 January 16, 1996, asks the Attorney General to direct the Oregon State Board of Psychologist Examiners (BPE) to make available the following documents:

1. Recommendation prepared by [BPE] investigator advising [the Board] whether to proceed or dismiss the relevant complaint.

2. Investigation report prepared by investigator, **excluding those portions which repeat 'information provided to' the board, rendered confidential by ORS 675.075**, but including all analyses, opinions, and recommendations generated by the investigator on review of such confidential information.

3. 30 day letter issued by the board in this matter.

4. Notice of proposed sanction.

5. Final determination.

(Emphasis in original.) For the reasons stated below, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. Any person who makes a request to a state agency to inspect a public record, and whose request is denied, may petition the Attorney General to review the record to determine if it may be withheld from public inspection. ORS 192.450(1).

Dr. Rochelle Silver, the board member referred to in your petition, has informed us that in your request for records, you requested only a copy of the relevant complaint filed with the board, and that she referred you to the complainant. Because you did not make a request to the board to inspect any of the items described above, there has been no denial by the board for those records.[1/] Absent a request to, and a denial by, a state agency for records, the Attorney General does not have jurisdiction to order the agency to disclose records. *See* ORS 192.450(1). Accordingly, your petition is denied as premature.

Sincerely,



THOMAS A. BALMER
Deputy Attorney General

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c: Dr. Rochelle Silver
Bonnie Wilson

[1/] Dr. Silver also informed us that items 1, 2, 4 and 5 do not exist at this time. She stated that the board will be completing its consideration of the allegations of the complaint at its next scheduled meeting on February 23, 1996.