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June 12, 1996

Thomas P. Kerr
Summerset Village Joint Venture
3897 Pasadena Ave., Suite 100
Sacramento, CA 95821

Re: **Petition for Public Records Disclosure Order-**
Oregon Department of Revenue Records

Dear Mr. Kerr:

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 was received by this office on June 6, 1996, asks the Attorney General to direct the Oregon Department Of Revenue to make available to you copies of the following records:

> Employee monthly time sheets for Richard J.(Rick) Schack for the periods inclusive of September 1, 1995 through April 30, 1996.

For the reasons that follow, we deny your petition as moot.

The Public Records Law confers a right to access any public record of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. The law requires generally that the custodian of public records furnish proper and reasonable opportunities for inspection and/or copying of the record in the office of the custodian. ORS 192.430. Any person denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the public record to determine if it may be withheld from public inspection. ORS 192.450(1).

You state in your petition that you requested and were denied copies of the employee monthly timesheets for Richard J. (Rick) Schack for the periods inclusive of September 1, 1995 through April 30, 1996. Specifically, your petition identifies Lou Ellen Pearson as having denied your request.

In speaking with Ms. Pearson, Section Manager Appeals Section of the Oregon Department of Revenue, she has agreed to provide you copies of the employee monthly time sheets for Richard J. (Rick) Schack for the periods you requested.[1/] You noted in your petition that you had no objection to the redaction of the employee's Social Security number based on the personal privacy exemption in ORS 192.502(2). Accordingly, Ms. Pearson will redact Mr. Schack's social security number from those documents. Because the Oregon Department of Revenue has agreed to provide the records you request, the Attorney General has no authority to order disclosure of those records. *See* ORS 192.450(1). Accordingly we deny your petition with respect to these records as moot.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:krg/JAA01E71
cc: Lou Ellen Pearson
Department of Revenue

[1/] An agency may charge a fee to reimburse it for its actual cost in making records available, including its photocopy costs and the time spent by agency personnel in reviewing and records. *See* ORS 192.440(3).