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June 27, 1996

Brent C. Whitmore, SID #8409080
Oregon State Penitentiary
2605 State Street
Salem, OR 97310-0505

Re: ***Petition for Public Records Order: Oregon State Treasury***

Dear Mr. Whitmore:

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 June 20, 1996, asks the Attorney General to direct the Finance Division of the Oregon State Treasury to make available the following records:

> Receipts and records from "US Bank" in Salem, OR/and a check on all bank on a account under the name of Brent C. Whitmore, Brent C. Laners 544-86-3876, SID #8409080 inst or any accounts (financial services (Ben Wallace) 434 Transportation Salem OR 97310 Financial Services Division Larry [Cray or May ?] 625 Marion St NE Salem, OR 97310) federal funds in the name of above.

For the reasons that follow, we respectfully deny your petition.

Darren Bond, Director of the Finance Division, Oregon State Treasury, has informed us that the Treasury Department does not have any such records. Moreover, the Oregon State Treasury is not the custodian of personal bank records. Accordingly, the records you describe are not "public records." ORS 192.410(4).

The Attorney General has no authority to order disclosure of records of which a state agency is not the custodian. *See* ORS 192.450.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH HARCHENKO
Special Counsel to the
Attorney General

ESH:MAC:AV/mc/JGG0E038
c: Darren Bond, Director
Finance Division
Oregon State Treasury