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DEPARTMENT OF JUSTICE

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August 21, 1996

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

RE: *Petition for Public Records Order:*
Joint Legislative Audit Committee, John Lattimer

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 August 14, 1996, asks the Attorney General to direct John Lattimer to make available the following records:

> Sieze "fast," from the Research Foundation/Inherdance Foundation to "audit" financial agency at 2605 State Street, Salem, Ore-97310-my mineral rights, property ben box reservation rights to be seized estimated property value 25.0 billion and more to help to help seize comm record room 349 State Capitol, Salem, Oregon 97310, asset forfeiture oversight advisory comm State Capitol, Salem, Ore 97310.

We respectfully deny your petition for the reasons stated below:

First, it does not appear that you are seeking an order from the Attorney General to have public records in the custody of the Legislative Audit Committee available to you for inspection and copying. Instead, it appears that you are asking the Attorney General to issue an order requiring the Committee to take seizure action to protect certain rights you see as threatened. The Attorney General has no authority to issue such an order.

Second, we have spoken with John Lattimer and have been informed that his agency has no record of having received a request from you for the above records. The agency has never denied your request because it has never reviewed your request. The Attorney General has no authority to order disclosure unless the agency has first refused to disclose the records. *See* ORS 192.450. Accordingly, we deny your petition as premature.

Sincerely,

Elizabeth S Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:JGR:AV:prv/JGG0E573.W51
c: John Lattimer
Legislative Fiscal