THEODORE R. KULONGOSKI
ATTORNEY GENERAL

THOMAS A. BALMER
DEPUTY ATTORNEY GENERAL



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

September 17, 1996

Maurice Baker
1821 NE 2nd Avenue
Portland, OR 97212-3933

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

Dear Mr. Baker:

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 September 10, 1996, asks the Attorney General to direct the Oregon Department of Education to produce copies of a Memorandum of Understanding regarding the Oregon Collaboration for Energy, and Education, and the Environment (OCEEE) and minutes of meetings of the OCEEE.

You recently filed another petition with our office that we received on August 27, 1996, asking us to compel disclosure of the same records identified in the current petition. We denied your earlier petition on the ground that it was premature because the Department of Education had not yet denied your request for the records. Following our denial of your petition, Deputy Superintendent McMurdo advised you in a letter dated September 5, 1996, that the Department of Education does not have a Memorandum of Understanding concerning the formation of the OCEEE.

Mr. McMurdo also confirmed to us that the Department of Education has not prepared, owned, used or retained a Memorandum of Understanding regarding the OCEEE and does not have minutes of meetings of such an organization.

Because the Department of Education has no records of the type you request, this office has no jurisdiction to compel disclosure. *See* ORS 192.450. Therefore, we respectfully deny your petition.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:JGM:AV:cfs\JAA02055
c: C. Gregory McMurdo
Deputy Superintendent of Public Instruction, ODOE