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DEPARTMENT OF JUSTICE

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February 2, 1995

Edgar Dee Jones
SID # 7883643
Oregon State Penitentiary
2605 State Street
Salem, OR 97310-0505

Re: ***Petition for Public Records Disclosure Order: Douglas County Trial Court Records***

Dear Mr. Jones:

This 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 27, 1995, asks the Attorney General to direct the Douglas County Trial Court Administrator to provide certain records concerning civil forfeiture cases.[1/] For the reasons that follow, we respectfully deny your petition.

The Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. ORS 192.450(1). In this case, Linda Zuckerman of the State Court Administrator's office informs us that on January 31, 1995, the Douglas County Trial Court Administrator's office responded to your

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[1/] Your petition also asks the Attorney General to direct the "Douglas County Forfeiture Counsel" to provide these records. The Douglas County Forfeiture Counsel is a county official. The Attorney General can respond to public records petitions only when they involve state agencies or officials. ORS 192.450. Any petition to inspect public records of a county official must be directed to the District Attorney. ORS 192.460.

request, which it received on January 11, 1995, by providing the records that were in its custody.

Because the Trial Court Administrator has not denied your request, and has provided the requested records, the Attorney General has no authority to order disclosure. Accordingly, your petition is denied as moot.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

c: Linda Zuckerman, Legal Counsel
Office of the State Court Administrator
Supreme Court Building
1163 State Street
Salem, OR 97310

Don Mills
Douglas County Trial Court Administrator
Douglas County Courthouse
Roseburg, OR 97470