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March 16, 1995

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SALEM, OREGON

David R. Anderson
THE OREGONIAN
East Metro News Bureau
295 Northeast Second St.
Gresham, OR 97030

Re: ***Petition for Public Records:***
Oregon Teacher Standards and Practices Commission Records

Dear Mr. Anderson:

This letter is the Attorney General's order on your second petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your second petition, which we received on March 10, 1995, asks the Attorney General to direct the Oregon Teacher Standards and Practices Commission ("TSPC") to produce public records relating to a June 5, 1991 order concerning a teacher, Darrel C. Dyer. For the reasons that follow, we respectfully deny your petition.

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 that the custodian of public records furnish proper and reasonable opportunities for inspection and/or copying of the records 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).

We are informed by David Myton, TSPC Executive Secretary, that TSPC has not denied access to the requested records. Your second petition was directed to the Attorney General without first requesting the records from the agency.[1/]

[1/] It is our understanding that TSPC received a copy of this petition and is treating it as a request to that agency for records.

Accordingly, we deny your petition seeking disclosure of public records as premature as you have not yet been denied a right to inspect any records. *See, e.g.*, Public Records Order, May 21, 1993, Durbin (petition denied as premature because it was filed before the agency denied the records request).

Respectfully,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:AV:KMG:jpl:cro

c: David Myton