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March 16, 1995

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 petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on March 9, 1995, asks the Attorney General to direct the Oregon Teacher Standards and Practices Commission ("TSPC") to produce public records relating to a 1991 hearing 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).

Your petition states that you requested copies of the following records: (1) Records of a 1991 hearing before the Oregon Teacher Standards and Practices Commission concerning Darrel C. Dyer, music teacher at Centennial High School; and (2) Any other background documents regarding that hearing. Additionally, your

petition states that you requested these documents from Dr. David Myton, the Executive Secretary to the Commission. However, nowhere in your petition does it state that your request for these documents has been denied.[1/] Absent such a denial, the Attorney General has no jurisdiction to order disclosure. *See* ORS 192.450.

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 agency denied records request).

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:KMG:AV:jpl:cro
Attachment

c: David Myton, TSPC (w/o attachment)

[1/] In fact, it is our understanding that TSPC has already provided some of the requested public records to you. See letter from Dr. Myton dated March 10, 1995 (attached).