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April 13, 1995

Richard L. Isham, Legal Counsel
Deschutes County
1130 NW Harriman
Bend, Oregon 97701

Re: Petition for Public Records Disclosure Order: Employment Relations Board Records

Dear Mr. Isham:

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 April 6, 1995, asks the Attorney General to direct the Employment Relations Board (board) to make available 13 secret ballots in a representation election which were not considered by the board because they were received after the voting deadline. For the reasons that follow, we respectfully deny your petition as moot.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. However, the Attorney General may order a state agency to disclose records only where the agency first has denied a request for public records. ORS 192.450(1).

Patrick Mosey, member of the board, informs us that the board has agreed to provide the records you requested and will be contacting you to schedule a time for your inspection

of them at the board's offices. Because the records you requested are being provided to you, your petition is denied as moot.

Sincerely,

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:RSW:rsw:clr/RSW0182.LET
c: Daniel C. Ellis, Chairman
Employment Relations Board
Old Garfield School Building, Suite 400
528 Cottage St., NE
Salem, OR 97310