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ATTORNEY GENERAL
STATE OF OREGON

WILLIAM F. GARY
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DEPARTMENT OF JUSTICE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

November 4, 1988

Darrell W. Martin
3617 Carmelle Court NE
Salem, Oregon 97302

Re: Petition for Public Records Disclosure Order; Talmadge Middle School; Central School District 13J

Dear Mr. Martin:

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 November 3, 1988, asks the Attorney General to direct Talmadge Middle School and Central School District 13J to disclose their procurement files for teachers Mr. Dana Andrews and Ms. Diane Fraser.

Under the Public Records Law, the Attorney General has authority to issue a public records order only where a "person [is] denied the right to inspect or to receive a copy of any public record of a state agency." ORS 192.450(1). (Emphasis added.) Central School District 13J is a public body other than a state agency. Therefore, under the Public Records Law, it is the Polk County District Attorney, not the Attorney General, who has the authority to review the school district's denial of your request for the information in question. ORS 192.460. You are free, of course, to petition the Polk County District Attorney to review that denial.

Yours very truly,

James E. Mountain Jr.

JAMES E. MOUNTAIN, JR.
Special Counsel to the
Attorney General

JEM:cm
cc: The Honorable Fred Avera, Polk County District Attorney
Central School District 13J
Talmadge Middle School
Richard Wasserman, Assistant Attorney General
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