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DEPARTMENT OF JUSTICE

Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

October 12, 1988

Albert H. Grossman
605 Northeast 7th
Grants Pass, OR 97526

Re: Petition for Public Records Disclosure Order; Oregon Liquor Control Commission Records

Dear Mr. Grossman:

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 October 5, 1988, asks the Attorney General to direct the Oregon Liquor Control Commission (OLCC) to disclose records that you describe as follows: "Data used to arrive at the conclusion that I was guilty and should be charged with a violation." Your petition also states that Lee Coleman, Director of OLCC's Regulatory Process Division, denied your request to inspect and/or copy those records. For the reasons that follow, we conclude that your petition is moot.

Immediately upon receipt of your petition this office contacted the regulatory staff at the OLCC. Mr. Gary Mahar, a member of that staff, stated that the OLCC does not claim that the requested documents are exempt from disclosure. Mr. Mahar also said that all records in the OLCC's possession that may be described as "[d]ata used to arrive at the conclusion that [you] were guilty and should be charged with a violation" have been previously delivered to you by mail under a cover letter of January 19, 1988, signed by John Nienstadt. These records are:

1. Notice of violation ticket;

2. Inspector's report authored by Steve Syron dated December 18, 1987; and

3. Criminal citation and custody report issued to Darline Marie Waier.

Mr. Mahar also has stated that, in case you have lost or misplaced those records, he provided additional copies by mail on October 6, 1988. Finally, Mr. Mahar said that there are no other records or documents in OLCC's custody that satisfy your request.

Because the OLCC has granted your request for documents we conclude that your petition is moot.

Very truly yours,

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

JEM:TET:cws
cc: Gary Mahar
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