THEODORE R. KULONGOSKI
ATTORNEY GENERAL

THOMAS A. BALMER
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400
TDD: (503) 378-5938

May 17, 1995

Roger White
General Delivery
25th St. Postal Station
Salem, OR 97302

Re: ***Petition for Public Records Disclosure Order***
Archives Division Records

Dear Mr. White:

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. We received your petition on May 11, 1995, asking the Attorney General to direct the Archives Division of the Office of the Secretary of State to let you see the following records:

1. "Case file: Marion County identification No. 6487 or Multnomah County recomendation of comunetation of sentence aproved by Governor Tom McCall

2. "Signed in 1973 and asked too sign a release too Aids Testing in 1994 butt refused too sign the release for I could not read what I signed in 1973 in the visiting room of O.S.P. thinking all documents were the same copy."

The Attorney General is given the duty of making a ruling on petitions for disclosures of public records. However, before our office can make such a decision, we must understand exactly what records have been asked for and denied. It is not clear to us from the petition form you filled out whether you are asking for records that are actually at the Archives Division. Because we are not sure from your petition what records you have asked for and been denied, we respectfully deny your petition.

Roy Turnbaugh, State Archivist, told us that the staff at the Archives Division tried to help you with your request, but were not clear what you were asking for so they could not

tell whether or not they actually have the records you want. If the records you want came from the Oregon Department of Corrections, you will need to ask the records custodian at the Department of Corrections' for this information. Even if the records you want have been transferred to the Archives Division's Records Center for storage, the Department of Corrections is still the custodian. You must ask them for the records and they must respond to your public records requests. *See* ORS 192.410(1)(b), 192.430.

If the records you seek are county records from Marion or Multnomah Counties, you will have to make your request directly to those counties.

Mr. Turnbaugh told us that the Archives Division staff did not deny you access to any public record in their custody, but they were unable to tell if what you were asking for was a record in their custody. If you can give them a specific request for a record, they will be able to help you in finding where the record is kept and how to get it. For the above reasons, including that there has been no denial of a request to view a public record, your petition is denied.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:LRR/JGG0B992
c: Roy Turnbaugh, State Archivist