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May 17, 1995

Alvin Schultz
509 S. 8th St.
Cottage Grove, OR 97424

Re: ***Petition for Public Records Disclosure Order: Governor's Records***

Dear Mr. Schultz:

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 May 4, 1995,[1] asks the Attorney General to direct the Governor or his legal counsel to make available documents in the file of former Governor Roberts relating to her commutation of the sentence of Shelly Ann Brimberry.

ORS 192.480 provides that when "an elected official claims a right to withhold disclosure, no petition to require disclosure may be filed with the Attorney General * * * or if a petition is filed it shall not be considered by the Attorney General * * * after a claim of right to withhold disclosure by an elected official." We have interpreted this limitation on the Attorney General's administrative review to apply to records in the custody of an elected official and records as to which the official claims the right to deny access.

We understand that the Governor, through his legal counsel, has claimed a right to withhold disclosure of the requested documents. Based on ORS 192.480, the

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[1]We appreciate your extending the time within which the law would otherwise have obligated us to respond.

Attorney General may not consider your petition. The Governor's denial may only be reviewed by the Circuit Court for Marion County.

For this reason, we respectfully dismiss your petition.

Sincerely,

THOMAS A. BALMER
Deputy Attorney General

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