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May 23, 1995

David J. De Martino
Deputy City Attorney
City of Salem
555 Liberty St. S.E., Rm 205
Salem, OR 97301

Re: Petition for Public Records Disclosure Order
Lake County District Attorney Records

Dear Mr. De Martino:

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 22, 1995, asks the Attorney General to direct the Lake County District Attorney's office to produce copies of certain records regarding Steve Birr. For the reasons that follow, we deny your petition.

Your petition alleges that the district attorney's office denied your request for the records. The District Attorney is an elected official. Under the Public Records Law, when a request to inspect or copy a public records is in the custody of an elected official, or in the custody of any other person but as to which an elected official claims the right to withhold disclosure, the Attorney General may not consider the petition. ORS 192.480. The person requesting the record must institute proceedings in the appropriate circuit court to seek relief from that claim of right to withhold disclosure. Id.

Accordingly, we deny your petition.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the Attorney General

ESH:jpl/JAA00D80.W51

cc w/encl.: The Honorable Andrew Vandergaw
Lake County District Attorney