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July 3, 1995

Philip W. McClure
SID #5072942
Oregon State Penitentiary
2605 State Street
Salem, OR 97310-0505

Re: ***Petition for Public Records Disclosure Order: Lane County Citizens Review Board records***

Dear Mr. McClure:

We have reviewed your letter dated June 2, 1995, in which you objected to the Public Records Order we issued to you on May 25, 1995. We have considered the points you raised, but decline to alter our prior decision to deny your petition.

We reiterate that the Public Records Law does not permit the Attorney General to direct any agency to create records or to answer questions.

Although the court order we cited in our order may not prohibit the release of the records you now seek, only participants in local citizen review board proceedings may obtain records of the proceedings. ORS 419A.100, 419A.118. We have been informed by Bradd Swank of the State Court Administrator's office that the local citizen review board sent you the letter informing you of the proceeding in error. The local citizen review board did not consider you to be a participant to the proceeding, and thus you are not entitled to the records you seek. The decision to exclude you as

a participant to the case review is not a matter over which this office has jurisdiction under the Public Records Law.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:LRR:AV:lrr:jpl:JAA018EE

c: Bradd Swank
Management/Legal Analyst
Office of the State Court Administrator
Supreme Court Building
1163 State Street
Salem, OR 97310

Nancy Miller, Administrator
Citizen Review Board
404 Executive House
325 13th NE
Salem, OR 97310