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DEPARTMENT OF JUSTICE
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September 6, 1995

Lars Larson
Executive Producer, Northwest Reports
KPTV Channel 12
P.O. Box 3401
Portland, OR 97208

Melissa Moore
Line Producer, Northwest Reports
KPTV Channel 12
P.O. Box 3401
Portland, OR 97208

Re: Petition for Public Records Disclosure Order:
Oregon State Court Administrator Records

Dear Mr. Larson and Ms. Moore:

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 August 31, 1995, asks the Attorney General to direct the Office of the State Court Administrator to make available itemized billing records for the Ceasar Barone and Odis Buck Garret cases. For the reason that follows, we respectfully deny your petition.

The information you provided and our conversations with Linda Zuckerman of the State Court Administrator's office reveal that your records request has not been denied. You indicated in your petition that you made your request by phone and fax on Monday, August 28, 1995. The State Court Administrator's office has no record of receiving any written request for these records; a request was made by telephone. The State Court Administrator's office began the task of assembling the records which are quite voluminous. On August 31, Mr. Larson spoke by phone with Ann Christian, the Indigent Defense Services Director, regarding these requests. Ms. Christian discussed the records request and concluded by suggesting that Mr. Larson make a formal public records request. No such

request was then made with the State Court Administrator; instead this petition was submitted to the Attorney General that same day.[1/]

The Attorney General may issue an order denying or granting a public records request only when a person has been denied the right to receive or inspect a public record. ORS 192.450(1). In this case the agency has not denied the request. Ms. Christian was seeking to clarify the scope of the request. The agency is prepared to make the records available to you, to the extent that they are not exempt from disclosure, within a reasonable time. The agency may charge you a fee to reimburse it for its actual cost in making the records available, including photocopy costs. ORS 192.440(3).

Accordingly, we deny your petition to compel disclosure.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel
to the Attorney General

ESH:LRR:cfs/JGG0C3D5
c: Linda Zuckerman
Legal Counsel
Office of the State Court Administrator
Supreme Court Building
Salem, OR 97310

[1/] It is possible that there was a misunderstanding about this conversation. Ms. Christian expected that Mr. Larson would provide a written request detailing what records were sought to the State Court Administrator's office. She did not intend to deny any part of the request. Mr. Larson may have understood that the records were being denied.