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October 19, 1995

J. Kristen Pecknold
Reeves, Kahn & Eder
4035 SE 52nd Avenue
Portland, Oregon 97206-3913

Re: ***Petition for Public Records Disclosure Order: Oregon Department of Fish and Wildlife Records***

Dear Ms. Pecknold:

This letter is the Attorney General's order on your petition for disclosure of public records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on October 16, 1995, asks the Attorney General to direct the Oregon Department of Fish and Wildlife to make available records relating to cougar complaints and cougar population studies. For the reasons that follow, we respectfully deny your petition as premature.

We understand from Jim Greer, Chief of the Wildlife Division, that the department has not denied either your request for documents or your request for a fee waiver. Mr. Greer informs us that the department intends to respond to your request for a fee waiver by October 27, 1995. If the department denies your fee waiver request or grants you only a partial fee waiver, you may then seek the Attorney General's review of the agency's fee waiver decision at that time. ORS 192.440(5). If the department grants your fee waiver request, we understand the department will begin gathering the information you requested. That process is likely to take several weeks since your request asks for information in the department's various field and regional offices.

Because you have not been denied access to the records or denied a fee waiver request, the Attorney General lacks authority to order disclosure or rule on the fee waiver request. *See* ORS 192.450(1).

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel
to the Attorney General

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c: Jim Greer, ODFW