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ATTORNEY GENERAL

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DEPARTMENT OF JUSTICE
1162 Court Street NE
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Salem, Oregon 97310
Telephone: (503) 378-4400
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December 6, 1995

Wayne P. McGee
EOCI #10669149
2500 Westgate
Pendleton, OR 97801

Re: ***Petition for Public Records Disclosure Order: Klamath County Trial Court Records***

Dear Mr. McGee:

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 November 30, 1995, asks the Attorney General to direct the Klamath County Trial Court Administrator to produce a copy of the case register, indictment, judgment of conviction and motions to suppress for the case of *State v. Manzo-Hernandez*, #92-1724CR.

For the reasons that follow, we respectfully deny your petition. The Trial Court Administrator responded to your request for records[1/] by indicating the charge for the copies of records requested. The Public Records Law authorizes the establishment of fees for copies of records. ORS 192.440(3). It is not a denial of a request for a public record to require payment of a fee. The Trial Court Administrator then wrote to you on November 21, 1995 to explain the copy charges.

The copy charges adopted by the Judicial Department are authorized by ORS 192.440(3). The Trial Court Administrator has not denied your request by requiring payment of copy fees in advance. Waiver of fees for providing records is permitted in the circumstances described in ORS 192.440(4), when a public body determines that a reduction

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1/ Your letter to the Trial Court Administrator did not include a request for copies of any motions to suppress.

or waiver is in "the public interest because making the record available primarily benefits the general public." Your assertion of indigency does not meet the statutory requirement. If you are unable to pay the required copy costs, you may arrange to have someone inspect the records in person at the office of the Trial Court Administrator.

Because your request for disclosure of the records has not been denied, the Attorney General has no authority to order disclosure of the records. Because your request for a waiver of fees on the basis of your indigency does not meet the statutory requirement, we conclude that the Trial Court Administrator did not act unreasonably in denying that request. Accordingly, your petition for an order requiring disclosure of public records is denied.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

LRR:AV:lrr/JGG0CCBE

c: Linda Zuckerman

Valerie S. Paulson
Trial Court Administrator