THEODORE R. KULONGOSKI
ATTORNEY GENERAL

THOMAS A. BALMER
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400
TDD: (503) 378-5938

RECEIVED
DEC 2 9 1995
GENERAL COUNSEL
DEPT. OF JUSTICE
SALEM, OREGON

December 28, 1995

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

Re: ***Petition for Public Records Disclosure Order: Deschutes 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 December 21, 1995, asks the Attorney General to direct the Deschutes County Trial Court Administrator to produce a copy of the case register in the case of *State of Oregon v. Dennis and Diane Nason.*

For the reasons that follow, we respectfully deny your petition. The Trial Court Administrator's office responded to your request for records by indicating that the records would not be provided without payment of copy charges.

The Public Records Law authorizes the establishment of fees for the actual cost of making records available. ORS 192.440(3). This includes the cost of copying records. OREGON ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (1995) at 10. It is not a denial of a request for a public record to require payment of such a fee. *Id.* at 10-11. 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 or waiver is in "the public interest because making the record available primarily benefits the general public." Indigency alone does not meet the statutory requirement. OREGON ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL at 13. 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 record has not been denied, the Attorney General has no authority to order disclosure of the records. *See* ORS 192.450. 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

ESH:LRR:AV:lrr:jpl:JGG0CE71
c: Linda Zuckerman
Deschutes County Trial Court Administrator