HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400
TTY: (503) 378-5938

December 15, 2004

Daniel M. Hinrichs, P.C.
Attorney at Law
590 Commercial Avenue
Coos Bay, OR 97420

Re: Public Records Disclosure Order:
Records of the Coos County Sheriff's Office

Dear Mr. Hinrichs:

Your petition, which we received on December 14, 2004, asks the Attorney General to direct the Coos County Sheriff's Office and its employees to produce copies of certain records allegedly in their possession. Under the Public Records Law, when a petition to inspect or copy public records concerns records that are in the custody of an elected official, or in the custody of any other person but as to which an elected official claims the right to withhold disclosure, the Attorney General lacks jurisdiction to consider the petition. ORS 192.480. The Coos County Sheriff's status as an elected official, separate from the fact that his office does not constitute a "state agency" under the Public Records Law, precludes the Attorney General from considering your petition. The Public Records Law imposes the same limitation on a district attorney's authority to consider a petition. *Id.*

Under ORS 192.480, the recourse available to a person whose request for disclosure of public records in the custody of an elected official has been denied is to

institute proceedings in the appropriate circuit court to seek review of the denial. We deny your petition due to the Coos County Sheriff's status as an elected official.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS14803
cc: Paul R. Burgett
Coos County District Attorney