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December 8, 2004

James Donato
Capital Publishing
3725 Camels View
Colorado Springs, CO 80904

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

Dear Mr. Donato:

This office issued a Public Record Order, dated December 6, 2004, denying your petition for disclosure of records of the Lane County Sheriff's Office and its employees. By way of this correspondence, we are withdrawing the December 6th Order and issuing an amended order as follows.

Your petition, which we received on December 1, 2004, asks the Attorney General to direct the Lane 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 Lane 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 Lane County Sheriff's status as an elected official.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS14762
cc: Alex Gardner
Lane Co. District Attorney