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July 22, 2003

Lemuel Hentz, SID #6750414
Snake River Correctional Institution
777 Stanton Blvd.
Ontario, OR 97914

Re: *Petition for Public Records Disclosure Order*:
Oregon Department of Corrections Records

Dear Mr. Hentz:

This letter is the Attorney General's order on your petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on July 17, 2003, asks the Attorney General to direct Jean Hill, Superintendent, and employees of the Snake River Correctional Institution (SRCI), to make available copies of four categories of records pertaining to your inmate discrimination complaint #03-04-002. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. Any person denied the right to inspect or receive a copy of a public record by a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.450(1). The Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. ORS 192.450(1).

Your petition states that you requested to receive copies of the records from SRCI officials, and that the request was denied by "inaction." We have spoken with Michael Milhorn, Supervising Executive Assistant to Superintendent Hill, regarding your petition. Mr. Milhorn told us that he received and responded to your request for the records, informing you that you would need to seek copies of the records through formal discovery.

Subsequently, after consulting with this office, Mr. Milhorn met with you. He told us that at that meeting he advised you that SRCI will make copies of the records available to you upon your prepayment of the copy charges.[1] Because SRCI has agreed to disclose the records to you after receipt of payment, we deny your petition as moot.

Sincerely,

Peter D. Shepherd

PETER D. SHEPHERD
Deputy Attorney General

AGS12750
c: Jean Hill, Superintendent, SRCI
Michael Milhorn, Supervising Executive Assistant to Superintendent Hill, SRCI

[1] An agency may charge a fee to reimburse the agency for its actual cost in making records available, including its photocopy costs and time spent by agency personnel. ORS 192.440(3).