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

January 16, 2003

Conrad R. Engweiler
SID# 8589408
Oregon State Correctional Institution
3405 Deer Park Dr., SE
Salem, OR 97310

Re: *Petition for Public Records Disclosure Order*
Board of Parole and Post Prison Supervision Records

Dear Mr. Engweiler:

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 January 13, 2002, asks the Attorney General to direct the Board of Parole and Post-Prison Supervision ("Board") to make available to you an "Oregon Attorney General Opinion Letter Dated October 12, 1994." 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 who is denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld from disclosure. ORS 192.450(1).

We contacted Michael Washington, Vice-Chair of the Board, about your petition. Mr. Washington told us that, upon receipt of the fees necessary to reimburse the Board for its actual costs in making the requested record available, the Board will send you the record.[1] The Board will provide you notice of the costs associated with production of the record.

[1] The Public Records Law authorizes a public body to establish and charge fees. ORS 192.440(3). Also, a public body may require prepayment of the estimated fees. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2001) 14.

The Attorney General may order a state agency to disclose records only when the agency has denied a request for those records. *See* ORS 192.450(1). Because the Board has agreed to comply with your records request, we respectfully deny your petition as moot.

Sincerely,

Peter D. Shepherd

PETER D. SHEPHERD
Deputy Attorney General

AGS11676
c: Michael Washington, Vice-Chair, Board of Parole and Post-Prison Supervision