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November 27, 2002

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 of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on November 21, 2002, asks the Attorney General to direct Ms. Jean Hill, Superintendent of the Snake River Correctional Institution (SRCI), to make available to you copies of the following information/records:

1. The exact date the Director of the Oregon Department of Corrections received a copy of the Judgment and (sic) Conviction and Sentence with regards to inmate, Lemuel Hentz, for the case of State of Oregon vs. Lemuel Hentz, Case No. 9509-36941.

2. The exact date inmate, Lemuel Hentz, was received by the Oregon Department of Corrections to start the prison term in the case of State of Oregon vs. Lemuel Hentz, Case No. 9509-36941.

3. A complete copy of any "commitment order" given to the Oregon Department of Corrections by the sheriff, the date inmate, Hentz, was delivered to the Oregon Department of Corrections under Case No. 9509-36941. I am not making reference to the Judgment of Conviction and Sentence.

For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public record 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 a public record of 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. *See* ORS 192.450(1).

ORS 192.430 authorizes state agencies to adopt reasonable rules necessary for protecting the records and preventing interference with the regular discharge of duties of the custodian. Moreover, the Public Records Law permits public bodies to establish and recover fees reasonably calculated to reimburse them for their actual cost in making public records available, including the time spent by agency staff in locating and reviewing the requested records in order to delete exempt material. *See* ORS 192.440(3); *see also* Public Records Order, April 7, 1989 (Martin).

We have spoken with Karol Perry, Offender Information Specialist at SRCI, regarding your petition. Ms. Perry advises us that she met with you recently to review the ODOC records referenced in your petition, and that at your request she will be providing you with copies of a temporary sentencing order and institution facesheet upon verifying that you have sufficient funds in your inmate trust account to cover ODOC's fees for making copies of these records available to you.

Because Ms. Perry has indicated that ODOC will provide you with a copy of the requested records upon verifying payment from your inmate trust account, we deny your petition as moot.

Sincerely,

Peter D. Shepherd

PETER D. SHEPHERD
Deputy Attorney General

AGS11385
c: Ms. Jean Hill, Superintendent, SRCI
Ms. Karol Perry, Offender Information Specialist, SRCI