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January 11, 2002

William Gene Vehlewald
SID # 11063994 / B3-18-D
Eastern Oregon Correctional Institution
2500 Westgate
Pendleton, OR 97801-9699

Re: Petition for Public Records Order:
Oregon Department of Justice, Criminal Justice Division

Dear Mr. Vehlewald:

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 4, 2002, asks the Attorney General to direct the Department of Justice to make available the monthly reports submitted to it by the Department of Revenue, pursuant to ORS 137.300. Those reports record the amount of money received from the state courts in each county and from the city courts for deposit in the Criminal Fine and Assessment Account. In your petition, you request the reports submitted to the Department of Justice for the years 1999 - 2001. Your petition states that you made a written request for the records on November 7, 2001, and that you have received no response. 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 to receive a copy of a public record may petition the Attorney General to determine whether the record may be withheld from inspection. ORS 192.450(1).

Kevin Neely, Department of Justice Public Affairs and Legislative Assistant, responded to your request on Wednesday, January 9, 2002, by sending you copies of administrative summaries of the requested monthly reports, along with a cost estimate for

providing copies of the reports themselves.[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). Because the Department of Justice has responded to your request by providing you with summary information and an opportunity to receive the complete reports upon submitting the associated fee, we find that there has been no denial of your request for records. For this reason, we deny your petition as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS09366
c: Kevin Neely, DOJ Public Affairs and Legislative Assistant, Oregon Dept. of Justice
Connie Gallagher, Criminal Justice Division, Oregon Dept. of Justice

[1] A state agency may charge fees "reasonably calculated to reimburse it for its actual cost in making * * * records available." ORS 192.440(3).