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STATE OF OREGON

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DEPARTMENT OF JUSTICE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

December 21, 1988

William Lewis
2600 Center Street
Ward 48B
Salem, OR 97310

Re: **Petition for Public Records Disclosure Order and Request for Records**

Dear Mr. Lewis:

This letter is:

(1) The Attorney General's order on your petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505;[1] and

(2) The Attorney General's response to your request for records in the possession of the Department of Justice.

Your petition, which we received on December 14, 1988, asks the Attorney General for the entire contents of files concerning you that any state agency has compiled to date, as well as a listing of deleted or withheld material.

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[1] In your December 12, 1988, letter, you referred to the federal Freedom of Information Act (FOIA), 5 USC § 552. The FOIA refers only to federal, not state, agencies and, therefore, is inapplicable here. We have, however, treated your petition as one arising under Oregon's Public Records Law.

As to your request for records from agencies other than the Department of Justice, your letter does not state that any agency has denied a request for records. ORS 192.450(1) authorizes the Attorney General "to review the public record to determine if it may be withheld from public inspection" only if a person has been "denied the right to inspect or to receive a copy of any public record of a state agency." Therefore, your request to this office for records of other state agencies is not properly before us.

As to your request for records in the possession of the Department of Justice, three different files exist under the name William Lewis, and none under the name William L. Seay. Because of the volume of these records, it will cost a substantial amount in copy costs and staff time to produce these records for you. We are entirely willing to copy these records for you, if you wish, when we have received payment in the amount of $188.48, or a portion thereof, as indicated below, if you wish to receive a single file.

To aid in your decision whether you would like these records copied, the following is a list of our files and what these files contain:

1. Our file number 399-001-A0025-88. This file concerns the appeal of the current order of commitment by the PSRB. The documents contained in this file include your Petition for Judicial Review filed with the Court of Appeals, the agency record, and postcards from the court indicating receipt of these materials. The agency record includes the transcript of the PSRB hearing, and the exhibits admitted in the hearing. The photocopy charge for this file will be $73.35.

2. Our file number 137-615-174571-86. This file concerns the PSRB hearings held December 16, 1986, November 20, 1987, and August 5, 1988. The documents in this file include exhibits admitted in these hearings, correspondence between you and the PSRB, and some related documents. The photocopy charge for this file will be $80.40.

3. Our file number 392-001-5240-87. This file concerns your habeas corpus petition filed with the Marion County Circuit Court on May 15, 1987. The documents in this file include pleadings in this action, correspondence between the attorneys, a transcript of your deposition and other related documents. The photocopy charge for this file will be $34.50.

Please inform us which files you wish to have copied and submit payment for those records. We then will process your request quickly so that there will be no further delay in your receipt of these records.

Very truly yours,

James E. Mountain Jr

JAMES E. MOUNTAIN, JR.
Special Counsel to the
Attorney General

JEM:DLB:cws/2015F
cc: Diane Brissenden
Assistant Attorney General