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October 24, 2000

Mark J. Wilson, SID # 7449142
Oregon State Penitentiary
2605 State Street, N.E.
Salem, OR 97310

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

Dear Mr. Wilson:

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 October 5, 2000,[1] asks the Attorney General to direct the Oregon Department of Corrections (ODOC) to make available to you a copy of its current contract with US West for inmate telephones and collect call services. For the reasons that follow, we respectfully deny your petition as moot.

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. The law requires generally that the custodian of public records furnish proper and reasonable opportunities for inspection or copying of the record in the office of the custodian. ORS 192.430. Any person 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 public record to determine if it may be withheld from disclosure. ORS 192.450(1).

Your petition states that on September, 1, 2000, you sent a written request for a copy of the contract to ODOC's Director, David S. Cook, but that as of the date of your petition you had received no response.

[1] We appreciate your courtesy is extending the time for issuance of our order.

We have spoken with ODOC's Inspector General, Mrs. Les Dolecal, regarding your petition. Mrs. Dolecal informs us that since the filing of your petition with this office she has contacted you, and that you have agreed with her to narrow the scope of your request to just four pages of the contract. We understand from Mrs. Dolecal that these four pages contain provisions relating to the fees paid to the State of Oregon, and charges assessed to inmates' families and telephone correspondents, arising from the use of the inmate telephones maintained in ODOC correctional facilities. Mrs. Dolecal informs us that ODOC has agreed to make a copy of the four pages of the contract available to you in accordance with ODOC's fee schedule, upon verifying that you have authorized the withdrawal of funds from your inmate trust account sufficient to cover ODOC's fees.[2] Because ODOC has agreed to provide the records to you, we deny your petition as moot.

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

AGS05650
c: Mrs. Les Dolecal, ODOC

[2] 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).