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DEPARTMENT OF JUSTICE
1162 Court Street NE
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September 16, 2009

Mr. John Henry Hingson III
Attorney at Law
409 Center Street
P.O. Box 1448
Oregon City, Oregon 97045

Re: Petition for Public Records Disclosure Order
Oregon State Police records

Dear Mr. Hingson:

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 September 2, 2009,[1] asks the Attorney General to order the Oregon State Police (OSP) and its employees to provide you with certain records:

> electronic communications within the Department of State Police concerning the past practice of directly providing copies of Standardized Field Sobriety Testing manuals to persons requesting them for a fee paid to OSP by the requester and the change whereby the requester was referred to [the National Traffic Safety Institute, or] NTSI to purchase the manuals.

You state that you made this request of OSP on May 22, 2009.

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. If a state agency denies a request for disclosure of records, the requestor may petition the Attorney General for review of the denial. However, 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).

[1] We appreciate your extending the time within which the law would have otherwise obligated us to issue an order to September 16, 2009.

Although we recognize that your request was initially made some time ago, we conclude that OSP has not denied your request,[2] and consequently deny your petition.

On September 15, 2009, Senior Assistant Attorney General Herbert F. Lovejoy spoke with Lieutenant Ethan Wilson of OSP about your request. Lt. Wilson informed Mr. Lovejoy that OSP has compiled what records it can find responsive to your request. At the time of this order, we understand that the documents compiled by OSP are either on their way to you, or else will be shortly. Lt. Wilson further informed Mr. Lovejoy that OSP is continuing to search for additional records responsive to your request, and has asked NTSI to help identify the timeframe of any responsive communications. If OSP is able to locate any additional records responsive to your request, OSP states that it will disclose them to you, subject to any applicable exemptions under the Public Records Law.

Under the circumstances, we cannot conclude that OSP has denied your request. We therefore respectfully deny your petition.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

DM1629289
c: Cecily Brown, OSP

[2] We are informed that OSP regrettably lost track of your public records request.