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DEPARTMENT OF JUSTICE
1162 Court Street NE
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Salem, Oregon 97301-4096
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May 26, 2009

Lemuel Hentz, SID #6750414
Eastern Oregon Correctional Institution
2500 Westgate
Pendleton, OR 97801

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 under the Oregon Public Records Law, ORS 192.410 to 195.505. Your petition, which we received in this office on May 18, 2009, asks the Attorney General to order the Oregon Department of Corrections (ODOC) to provide you with the following records:

> The physical address and telephone number to the Best Buy Store from which my "Insignia Color Television" was purchased.

For the reasons that follow, we 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 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 records. *See* ORS 192.450(1).

According to your petition, your request for the above records was denied by D. Harder, Supervising Executive Assistant, by letter dated May 6, 2009. In support of your petition you submitted a copy of Mr. Harder's letter.

We have spoken with Mr. Harder regarding your petition. Mr. Harder told us that he did not deny your request for the records, but instead forwarded your request to two ODOC canteen officials, Ms. J. Hamby and Mr. J. White, for response. In his letter to you Mr. Harder suggested that because ODOC purchases products for sale to inmates through the institution canteens through agreements with many vendors ODOC may not have a physical address and phone number for a particular store from which your television was purchased. Mr. Harder told us that he forwarded your request to canteen

officials for response because they would be able to tell you whether ODOC could provide you with this information. Mr. Harder's letter confirms his account of this matter. Under these circumstances Mr. Harder has not denied a request for public records.

We have also spoken with James White, Warehouse/Commissary Manager for the Eastern Oregon and Two Rivers Correctional Institutions (EOCI/TRCI), regarding your petition. Mr. White confirmed to us the suggestion contained in Mr. Harder's letter to you - ODOC did not purchase your television from a brick-and-mortar Best Buy store, but rather through a Best Buy government vendor account process. As such, Mr. White told us that ODOC does not have records containing the information described in your petition.[1]

Because ODOC does not have records containing the information identified in your petition, we respectfully deny your petition.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

DM1421138
c: Doug Harder, Supervising Executive Assistant to the EOCI Superintendent and Public Information Officer, ODOC
James T. White, Warehouse/Commissary Manager, EOCI/TRCI

[1] Mr. White explained to us the process that you should follow in order to obtain warranty service for your television while you are incarcerated at EOCI:

> If an inmate needs to get a TV repaired at EOCI, the inmate needs to simply send an inmate communication to the EOCI commissary requesting the need for TV repair. The EOCI commissary staff call the inmate down to the commissary and ask them to bring there TV with them.
>
> The EOCI staff fill out what is called a PSP repair form. (PSP is a numbered tracking system that Best Buy uses to track the TV's during the warranty repair process). EOCI staff contact the commissary manager and request a PSP number. The commissary manager has a spread sheet that has all of the PSP numbers on it and a PSP number is assigned to the TV repair form for that particular inmate and his or her TV.
>
> Once the PSP form and PSP number have been put on the form, the form is faxed to a Salem Oregon Best Buy store. The Salem Best Buy store sends a United Parcel Service "Call Tag" to EOCI to attach to the inmates TV and the TV is shipped to the Salem Best Buy store for repair or replacement.
>
> Once the TV is repaired or replaced, the Salem Best Buy store sends the TV back to EOCI using the information that was filled out on the PSP form. When the EOCI commissary staff receive the TV the first thing they do is test the TV to make sure it has been repaired and is in good working condition. Commissary staff call the inmate down to the commissary and give the inmate the repaired or replaced TV. I am not aware of any other avenues for an inmate to make consumer complaints regarding his or her TV.

We trust that Mr. White's information is useful to you.