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April 1, 2009

Mr. LeVelle Singleton #7001277
2605 State Street
Salem, OR 97301

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

Dear Mr. Singleton:

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. We received your petition on March 25, 2009. The petition asks the Attorney General to direct the Oregon Department of Corrections (DOC) and Oregon Board of Parole and Post-Prison Supervision to make available, in your words,

1. Interstate Compact Agreement, approved in 1995 by Governor Kitzhaber, approving [you] to serve parole in the state of Louisiana.

2. A letter (or order to Amend, Extend, or Continue parole supervision) dated December 9, 1996, sent to the Louisiana Parole Authority but has been stated to not have arrived until January 22, 1999.

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. A custodian of public records must provide "proper and reasonable opportunities for inspection and examination." *See* ORS 192.430. The "custodian" of the records is "[a] public body mandated directly or indirectly, to create, maintain, care for or control a public record." *See* ORS 192.410. A custodian does not include a public body that has custody of a public record "as an agent of another public body that is the custodian unless the public record is not otherwise available." *Id.* Correspondingly, the custodian is allowed a "reasonable" time to respond to a request for records. *See* ORS 192.430.

According to information provided to us by DOC, DOC informed you in a letter dated December 21, 2007, that it did not possess records related to the transfer of your parole or post-prison supervision to the state of Louisiana. After diligent searches of their records, both DOC and the Board have informed us that they do not possess the requested records. Accordingly, we deny your petition.

Sincerely,

for MARY H. WILLIAMS
Deputy Attorney General

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