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May 9, 2007

Mr. Jason Coutts
76795 Mosby Creek Road
Cottage Grove, OR 97424

Re: Petition for Public Records Disclosure Order:
Department of Administrative Services

Dear Mr. Coutts:

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 May 2, 2007. The petition requests that the Attorney General direct the Department of Administrative Services (DAS) to make available the following records:

1. All records pertaining to the purchases of Narcotic Dogs for OSP, through all sources, Sole Source Contracts for the past year, January 1, 2006, until the present date of this request.

2. All information on the present Sole Source contracting agency, FH Consulting, and any other vendor in contract of consulting involved with the purchase and training of officers and dogs, including any mandatory licensing, certifications, and decisions of this sole source agreement as stated the use of one sole source for the past 18 years.

For the following reasons, 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 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).

We have conferred with Kelly Stevens-Malnar, Public Records Coordinator for DAS's State Procurement Office, who informed us that DAS has no records in its custody responsive to your requests. We therefore respectfully deny your petition as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS19669
c: Kelly Stevens-Malnar, DAS State Procurement Office