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March 26, 2007

Casey Lee Johnson, SID #12151379
Oregon State Penitentiary
2605 State Street NE
Salem, OR 97310

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

Dear Mr. Johnson:

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 March 16, 2007, asks the Attorney General to direct the Oregon Department of Corrections (ODOC) to make available to you for inspection or to produce copies of the following records:

1. ODOC Inmate Administrative hardfile;
2. OISC Medical & Mental Health records;
3. Oregon Board of Parole & Post Prison Supervision reports;
4. Oregon Department of Justice archieves (sic); and
5. Multnomah County Adult Community Justice records.

For the reasons that follow, we respectfully 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. The law requires generally that the custodian of public records furnish proper and reasonable opportunities for inspection and/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 public inspection. ORS 192.450(1).

Your petition states that you requested to inspect and/or copy the records listed in your petition on March 5, 2007, but that your request was denied by ODOC and State of Oregon. Attached to your petition was a form records request dated March 5, 2007, which appears to correspond to the request referenced in your petition. However, the attached records request that was included with your petition is not addressed or directed to the Oregon Department of Corrections or an ODOC official. Rather, the request is directed to Oregon's Solicitor General, Mary H. Williams. We consulted Mike Yoder, Acting Executive Assistant to Oregon State Penitentiary Superintendent Brian Belleque, and Michelle Dodson, Executive Support Assistant to Superintendent Belleque, who reviewed the pertinent files and confirmed that there is no record that ODOC received your request.

Under these circumstances ODOC has not denied the request for the records referenced in your petition. Consequently, we have no authority to order ODOC to make the records available to you. ORS 192.450(1). We, therefore, deny your petition as premature.[1]

Sincerely,

HARDY MYERS
Attorney General

AGS19478
c: Brian Belleque, Superintendent, Oregon State Penitentiary

[1] We note that both the form records request and the petition fail to identify whether the ODOC, Parole Board, and Multnomah County records you seek are records that pertain to you, or records that pertain to another person, or both. In order to aid you and the public body in any future request for public records, we urge that you describe in your request the records you seek with sufficient particularity to enable the public body to clearly identify the records that you seek.