Steve Wolf.

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August 9, 2006

Lemuel Hentz, SID #6750414
Snake River Correctional Institution
777 Stanton Blvd.
Ontario, OR 97914-0595

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 192.505. Your petition, which we received on August 3, 2006, asks the Attorney General to direct the office manager of the Central Trust Unit of the Oregon Department of Corrections (ODOC), to make available to you copies of the following records:

(1) A complete copy of check # ODOC0648747, that was posted to Mr. Hentz's trust account June 8, 2006; and
(2) A copy of the envelope that the check was received in.

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. 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. The Attorney General does not have authority to order disclosure of public records unless the agency has denied a request for those records.

ORS 192.430 authorizes state agencies to adopt reasonable rules necessary for protecting the records and preventing interference with the regular discharge of duties of the custodian. Moreover, the Public Records Law permits public bodies to establish and recover fees reasonably calculated to reimburse them for their actual cost in making public records available,

including the time spent by agency staff in locating and reviewing the requested records in order to delete exempt material. *See* ORS 192.440(3); *see also* Public Records Order, April 7, 1989 (Martin).

According to your petition, you asked for copies of the requested records on July 11, 2006, but your request was denied by the Central Trust office manager by inaction. We spoke with Debbie Elwood, ODOC's Central Trust Unit Manager, about your petition.

Ms. Elwood told us that she sent you a written response to your records request on July 31, 2006, informing you that she would make a copy of the check available to you if you provide her with a properly authorized CD-28 Inmate Trust Account Withdrawal Request Form as required by ODOC's administrative rules.[1] Ms. Elwood also told us that in addition to the check she will furnish you a copy of the envelope in which the check was received, provided that your CD-28 form is properly authorized and you have sufficient funds in your trust account to cover ODOC's fees for making copies of the records available to you.

Because Ms. Elwood has indicated that she will furnish to you copies of the records you have requested upon receiving your properly authorized CD 28 form and verifying that you have sufficient funds in your inmate trust account, we deny your petition as moot.

Sincerely,

Peter D. Shepherd

PETER D. SHEPHERD
Deputy Attorney General

cc: Debbie Elwood, Manager, Central Trust Unit, ODOC

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[1] OAR 291-158-0055 states, in pertinent part:

> (2) Each inmate expenditure from the individual trust account will require the inmate to submit a completed Withdrawal Request Form (CD 28) to the functional unit manager or designee. Only a Withdrawal Request with the authorized employee signature will be recorded on the inmate trust account. If funds are not available to cover a withdrawal request, the form will be returned to the inmate marked with an explanation.