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February 11, 2013

Bryan Bossert
11448 SE Fuller Road
Milwaukie, OR 97222

Re: Petition for Public Records Disclosure Order:
Oregon Department of Corrections Records
DOJ File No. 291011-GA0014-13

Dear Mr. Bossert:

This letter is the Attorney General's order in response to your petition asking our office to direct the Oregon Department of Corrections (ODOC) to disclose certain records to you under the Oregon Public Records Law, ORS 192.410 to 192.505. Specifically, we understand that you would like our office to order ODOC to disclose the following:

- A list of inmates incarcerated for crimes involving sex offenses against minors;
- Certain records pertaining to sex offender treatment programs formerly operated by ODOC;
- Certain records pertaining to you.

We respectfully deny your petition, for the reasons that follow.

The Oregon Public Records Law provides that "[e]very person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505." A person who has been denied public records by a state agency may petition the Attorney General to review that determination. ORS 192.450. A person filing such a petition must provide certain information to the Attorney General. ORS 192.470.

We have spoken to ODOC concerning your petition. ODOC has no record that you requested the records in question from ODOC. They do have a record that you made a request similar to the first bulleted item above in 2010. But, although similar, the request was not the same. Moreover, given the basis for ODOC's denial of your request in 2010 we cannot tell

whether ODOC would grant or deny that request if you made it to ODOC at this time. In sum, we conclude that we cannot grant your petition because ODOC has not denied your request. You must submit your request to ODOC before you may petition our office.[1]

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

MHW:nog/JUSTICE-#3996345
c: Michael Gower, DOC
Stacy Gartzke, DOC
Jana Russell, DOC

[1] If, in fact, you did make these requests to ODOC, your petition does not contain information required by ORS 192.470. Specifically, it does not provide the date on which you requested these records of ODOC. Your petition does indicate that you made the requests at some point in the past while you were incarcerated. That statement is consistent with the 2010 request already discussed in this order.