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October 13, 2014

Kenneth Thunderbird
SID: 3525722
Oregon State Correctional Institution
3405 Deer Park Drive
Salem, OR 97301

Re: Petition for Public Records Order
Oregon Board of Parole
DOJ File No. 255001-GA0095-14

Dear Mr. Thunderbird,

This letter is the Attorney General's order on your petition under the Oregon Public Records Law, ORS 192.410 *et seq.* We received your petition on October 6, 2014. As we understand your petition, it requests that the Attorney General order the Oregon Board of Parole (BOP) to provide you with "D.N.A. database, all [i]dentifiers, [e]very [d]ocument in the file, the name and address of the, laboratories [w]hich did the [a]nalysis. Any and all markers, any and all codes." You also ask "[w]here is the database stored. [I]f the database was including Native American Groups. If yes which ones." We respectfully deny your petition.

Absent a denial of a records request by a state agency, the Attorney General cannot order the agency to disclose records. Public Records Order, June 28, 2001, *Zaitz*. Here, there is no indication that you requested from BOP the records that you seek in your petition. We have also

spoken with Kristin Winges-Yanez, Chairperson of the Board of Parole, who confirms that BOP received no records request from you.[1] Because BOP has not denied your records request we lack authority to consider your petition. Accordingly, we respectfully deny your petition.

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

cc via email only:
Kristin Winges-Yanez, BOP

[1] Ms. Winges-Yanez also informs us that BOP does not have or maintain a DNA database.