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January 3, 2014

Jerry Brown
4233 SE 182nd Avenue #316
Gresham OR 97030

Re: Petition for Public Records Disclosure Order
Oregon Department of Human Services
DOJ File No. 100301-GA0135-13

Dear Mr. Brown,

This letter is the Attorney General's order in response to your petition seeking an order directing the Oregon Department of Human Services (DHS) to disclose certain records to you under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition relates to a ten-part records request you submitted to DHS on October 26, 2013:

> (1) A copy of the original State Readiness Review (SRR), under state and/or federal custody, whether under retention schedule or archived. [ARTICLE VII STATE ADMINISTERING AGENCY REQUIREMENTS] DHS is the functional extension of the SAA, as referenced in the PACE Program Agreement.
> (2) A copy of Appendix as referenced in the PACE Program Agreement
> (3) A copy of Appendix as referenced in the PACE Program Agreement
> (4) A copy of Appendix as referenced in the PACE Program Agreement
> (5) A copy of Appendix as referenced in the PACE Program Agreement
> (6) A copy of Appendix as referenced in the PACE Program Agreement
> (7) A copy of Appendix as referenced in the PACE Program Agreement
> (8) A copy of the letter which DHS told Mary H. Williams, Deputy Attorney General, was sent to me in response to my public records request letter dated 04-26-2013
> (9) A copy of all the Public Records Requests I have submitted to DHS, AND;
> (10) A copy of all the responsive public records DHS has provided to me as I have requested.

You had requested the first seven of these items from DHS on April 26, 2013.

By letter to you dated June 4, 2013, DHS informed you that it does not have the first of these items due to the age of the requested record. A copy of DHS's letter is enclosed. We cannot order DHS to disclose to you a record that it does not have, and we consequently deny your petition with respect to that item.

DHS's June 4 letter also informed you that, to the extent they exist, the fee for obtaining the second through seventh items would be $52. You have not paid that fee, and as a consequence we respectfully deny your petition with regard to those items as well.

DHS's June 4 letter is itself, the document sought by your eighth numbered request. You have been provided with a copy of that letter, which is also enclosed. Your petition is moot with respect to the letter, and denied on that basis.

Your ninth request seeks copies of all public records requests you have submitted to DHS. DHS informs us that not all of your information requests have been made in writing. But, to the extent that your requests have been made in writing, DHS states that it will provide you with copies of those upon prepayment of the associated fee amounts. DHS has stated that it will provide you with the amount of that fee no later than January 6, 2013, and provide you with the records in question once you have paid that fee. DHS is not denying your request for these records, and we decline to order DHS to disclose the records to you.

Your final request seeks copies of the records DHS has provided to you in response to your requests. DHS informs us that, when DHS has provided you with copies of records, it has not made a practice of keeping copies of those copies. Nor is it required to do so – such copies would simply duplicate records already in DHS custody. See ORS 192.005(5)(b)(D). DHS also informs us that some of the materials it has previously provided to you have subsequently reached the end of their retention periods and have been destroyed. Consequently DHS is unable to fulfill your request as written. If you wish, however, DHS has indicated that it will provide you with estimates for once again fulfilling the public records requests that you submitted in writing. Because your tenth numbered request does not sufficiently identify public records that DHS can produce, and because DHS is willing to re-fulfill your various requests upon payment of the associated fee amounts, your petition is respectfully denied as to this request as well.

For the foregoing reasons, we respectfully deny your petition in its entirety.

Sincerely,



FREDERICK M. BOSS
Deputy Attorney General

c (email only): Bobbi Doan, DHS