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May 28, 2015

Kenneth Thunderbird
SID # 352722
Oregon State Correctional Institution
3405 Deer Park Dr.
Salem, OR 97310

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No. 291011-GA0087-15

Dear Mr. Thunderbird:

This letter is the Attorney General's order on your petition for public records disclosure under the Oregon Public Records Law, ORS 192.410, *et seq.* Your petition, which we received May 22, 2015, asks the Attorney General to order the Oregon Department of Corrections (ODOC) to provide you with copies of the following records:

- Any documentation that would verify that you were offered eyeglasses and refused them;
- The complete file Carissa Casper and Coleen Taylor (current and former ODOC Grievance Coordinators, respectively) have regarding you.

For the reasons that follow, we respectfully deny your petition as premature.

The Public Records Law confers a right to access 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 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 a copy of the records identified in your petition by an Inmate Communication Form dated March 31, 2015. Your petition further states that ODOC denied your request on the ground that you had filed a tort claim notice, and, accordingly, a response to your request was not required.

We spoke with Ms. Casper, Grievance Coordinator for the Oregon State Correctional Institution (OSCI), and Tonya Gushard, Public Information Officer for OSCI, about your petition. Ms. Casper has now forwarded your request to Ms. Gushard. We further understand that Ms. Gushard has now provided you with a response to your request. A copy of Ms. Gushard's response is attached for your convenience.

The Attorney General may order a state agency to disclose records only when the agency has denied a request for records. *See* ORS 192.450(1). In light of ODOC's recent response to your request, we conclude that ODOC is not denying your request, and so we respectfully deny your petition as premature.

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

LEK:tmt/6523899
cc via email only:
Guy Hall, Superintendent, OSCI
Tonya Gushard, PIO/LIO, OSCI