ELLEN F. ROSENBLUM
ATTORNEY GENERAL

FREDERICK M. BOSS
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-4400

March 30, 2015

David O. Carter
SID #6542982
Oregon State Penitentiary
2605 State Street
Salem, Oregon 97310

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No. 291011-GA0067-15

Dear Mr. Carter:

This letter is the Attorney General's order on your petition for public records disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received March 23, 2015, asks the Attorney General to order the Oregon Department of Corrections (ODOC) to make available for inspection or to produce copies of the following records:

1. Copy of Order of Dismissal received by the Marion County Circuit Court on case number 10-C-12169.
2. Copy of Order of Dismissal on Marion County Circuit Court case number 13-C-20841.
3. Copy of letter filed in Marion County courts on 11-12-2014 from Superintendent Jeff Premo "on issue of Court Case 13-C-20841) AS TO Fact of Issued Court Ordered Release on Court Case No. 10-c-12169); Marion County Circuit Court."

For the following reasons, we respectfully deny your petition.

The Oregon 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 to 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 to inspect/copy these records" on March 11, 2015[1], and that your request was denied on about February 20, 2015. You also attached to your petition an inmate communication form, dated December 29, 2014, in which A. Pinkley-Wernz advised you, "If you need copies of court documents you need to write to the court."

We have conferred with Crystal Archdeacon, Executive Assistant to Superintendent Premo, regarding your petition. As to your first two requests (for Marion County Court orders), Ms. Archdeacon has informed us that she has searched through the records and has not been able to find copies of those orders.

As to the third item, the letter, Ms. Archdeacon has informed us that she has searched through the Superintendent's records and has been unable to find any such letter. She also searched through the computer system and was not able to find even a draft of such a letter.

We cannot order ODOC to disclose public records that it does not have. Therefore, we respectfully deny your petition.

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

cc: Crystal Archdeacon, ODOC
Jeff Premo, ODOC

[1] This date appears to be a typographical error in the petition. We have been advised that you began requesting these documents in early 2014.