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January 4, 2010

Arnold R. Huskey
SID No. 6674480
Two Rivers Correctional Institution
82911 Beach Access Road
Umatilla, Oregon 97882

Re: Petition for Public Records Disclosure Order:
Oregon Department of Administrative Services, Risk Management Unit

Dear Mr. Huskey:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on December 28, 2009, asks the Attorney General to order the Oregon Department of Administrative Services (DAS) to make available for inspection, or to produce copies of, acknowledgements and responses to tort claim notices you filed in 2007 and 2009. For the reason that follows, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. If a state agency denies a request for disclosure of records, the requestor may petition the Attorney General for review of the denial. However, the Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. *See* ORS 192.450(1).

Your petition states that you have not received any of the requested records from DAS, despite having requested the records in writing on November 6, 2009, November 20, 2009, and December 8, 2009. We spoke with Michael Baker, Senior Claims Adjuster for DAS's Risk Management Unit, about your petition. Mr. Baker informs us that DAS has no record of having received any of your previous public records requests. However, Mr. Baker informs us that he has identified the records that are responsive to your request, and upon prepayment of the actual costs associated with locating and copying those records, DAS will provide the records to you.

Mr. Baker further informs us that he will be sending you a letter shortly that details DAS's actual costs in providing the requested records to you.

Because DAS has not denied your request, we deny your petition.

Sincerely,

DAVID E. LEITH
Associate Attorney General

DM1808278
c: Michael Baker, Senior Claims Adjuster, DAS/Risk Management