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MARY H. WILLIAMS
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DEPARTMENT OF JUSTICE

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Salem, Oregon 97301-4096
Telephone: (503) 378-4400

December 21, 2012

Jerry Fischer
21110 Gooseneck Creek Rd
Sheridan, OR 97378
thepacesetter@yahoo.com

RE: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No. 291011-GA0094-12

Dear Mr. Fischer,

Our office is in receipt of several communications from you indicating that you are attempting to obtain information from the Oregon Department of Corrections relating to your son. To the extent that your correspondence is intended as a petition asking the Attorney General to direct ODOC to disclose public records, this letter is the Attorney General's order in response. As we explain below, we deny your petition because ODOC has not denied any request that you have made for public records.

Oregon's Public Records Law, ORS 192.410 to 192.505, provides that "[e]very person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505." A person whose request for public records has been denied by a state agency can petition the Attorney General for an order directing the state agency to disclose the record. ORS 192.450(1).

From our review of the materials you submitted, it appears that, on November 7, 2012, you asked ODOC to provide you with two categories of records:

(1) All disciplinary records regarding Andrew Fischer;
(2) The Chronos from the AS400 regarding Andrew Fischer, April 18-April 29, 2011.

It appears that this initial request may have been lost in transmission, and on December 4 you sent a follow-up letter indicating that you had resubmitted your request. On December 10,

ODOC officials sent you the records that you had requested, waiving the fees associated with its response.

Your subsequent communications with our office focus on things that you may have wanted to obtain, but did not actually request from ODOC.[1] Primary among them is a copy of an OSP investigative report pertaining to Andrew Fischer. We understand that you have discussed the existence of this report with ODOC and were informed that you could request it either of OSP or of ODOC. But ODOC states that it has not received such a request from you, and your submissions to this office do not support your suggestion that you ever made the request to ODOC.

You have also mentioned that an interview you gave to ODOC personnel may have been recorded and that you would like to receive a copy of the recording. Again, however, we have seen nothing indicating that you actually requested that record from ODOC.[2]

Overall, our impression is that you may have intended to make a different and broader request than the one you actually made to ODOC. But our office cannot direct ODOC to comply with a request that you have not actually made to ODOC. You are, of course, free to make further requests of ODOC, and to make requests of OSP. Should you then be dissatisfied with the response, you would be free to petition our office under ORS 192.450. But, to the extent your current correspondence with our office is meant as such a petition, it is respectfully denied.

Sincerely,

Mary H Williams

MARY H. WILLIAMS
Deputy Attorney General

MCK:bwl/3845531-v1
C: Anita Nelson, ODOC

[1] Your correspondence with our office is somewhat difficult to understand. If you intended your emails with our office as requests to ODOC or to OSP, those requests are misdirected. Our office is not a centralized clearinghouse for requesting public records in Oregon. You need to address your requests directly to the public bodies from which you are seeking records.

[2] *See* ORS 192.470 (explaining the information that must be included in a petition to the Attorney General, including information about when the request was made to the agency).