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December 19, 2012

SENT VIA REGULAR MAIL AND EMAIL: oneuscitizen@gmail.com

Robert Charles Curtis
PO Box 4261
Portland, OR 97208

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No. 257001-GA0091-12

Dear Mr. Curtis,

This letter is the Attorney General's order in response to your correspondence received on December 12, 2012. In that correspondence you ask our office to require compliance with requests for public records, which you assert were submitted to the Oregon State Police (OSP) in November of 2011 and December of 2012.

We have spoken to OSP staff concerning your petition. With respect to the 2011 request, OSP notes that it received from you a document purporting to be a "court-ordered" request "waiving all fees with Production within 30[]days by the Order of the Marion County Court of the State of Oregon with Judge Thomas M. Hart, presiding[.]" OSP informs us that they contacted the judge's office in 2011 and were informed that the alleged court order did not exist and that there was no need for OSP to take action. Although public bodies are obligated to respond to public records requests, we concur that a public body is not obligated to comply with a document that purports to invoke the authority of the courts to require a specific action when in fact the courts have not actually compelled the action demanded. In other words requesting public records under the Oregon Public Records Law is straightforward. A requester who chooses to cloak his or her request in a non-existent judicial order has no grounds to complain when the public body receiving the request learns that the purported judicial authorization is fabricated and decides not to comply. Requesters can avoid this outcome easily by not pretending that their requests for public records are backed by court order. We deny your

petition with respect to the 2011 request because OSP reasonably declined to comply with a demand purporting to implement a nonexistent court order.

With regard to the 2012 request, we recently issued an order concluding that your request had not been denied by OSP and denying your petition on that basis. We noted that the petition was filed simultaneously with the request. Your present petition was filed only a week after the initial 2012 request to OSP. We cannot conclude from the passage of a single week that OSP has denied your request. We therefore deny your petition with respect to the 2012 request as well.

Sincerely,

Mary H Williams

MARY H. WILLIAMS
Deputy Attorney General

MHW:bw1/Justice #3835976
c: Cecily Brown, OSP