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November 26, 2012

Chris Shabazz-Wimberly
Sid#10571327
Two Rivers Correctional Inst.
82911 Beach Access Rd
Umatilla, OR 97882

Re: Petition for Public Records Disclosure Order:
Oregon Department of Corrections
DOJ File No.291145-GA0082-12

Dear Mr. Shabazz-Wimberly,

This letter is the Attorney General's order in response to your petition under the Oregon Public Records Law, ORS 192.410 to 192.505. In your petition, you ask our office to order the Oregon Department of Corrections to disclose to you certain records you state you requested of ODOC on September 4, 2012. We respectfully deny your petition, for the reason that follows.

Under the Oregon Public Records Law, "[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." ORS 192.420(1). In fulfilling requests for public records, "[a] public body may establish fees reasonably calculated to reimburse the public body for the public body's actual cost of making public records available." ORS 192.440(4)(a). A person whose public records request is denied by a state agency may petition the Attorney General to review the agency's decision. ORS 192.450.

We have conferred with Vicki Reynolds at ODOC concerning your request. Ms. Reynolds reports that fee estimates for the records in question were provided to you on September 20 and October 3, with an explanation that the records would be provided to you on receipt of a form authorizing payment in the amount of ODOC's fees. Ms. Reynolds reports that no authorization was received until November 20, 2012, on which date you authorized a payment in the amount of $3. Ms. Reynolds understands that authorization to cover your requests for maintenance records.

Under the circumstances, we cannot conclude that ODOC has denied your request. To the contrary, ODOC has indicated its willingness to provide you with the requested records following your authorization of payment in the requisite amount. We consequently deny your petition.

Sincerely,

FREDERICK M. BOSS
Chief Counsel, Civil Enforcement Division

MHW:bwl/JUSTICE-#3783885-v1
c: Vicki Reynolds
Steve Franke