ELLEN F. ROSENBLUM
ATTORNEY GENERAL

MARY H. WILLIAMS
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

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

November 21, 2012

Romeo Casino Hardin, SID #17168275
Oregon State Penitentiary
2605 State Street
Salem, OR 97301

Re: Petition Public Records Disclosure Order
Oregon Department of Corrections Records
DOJ File No. 291011-GA0083-12

Dear Mr. Hardin,

This letter is the Attorney General's order in response to your petition, which we received on November 14, 2012. As we understand your petition, you seek an order that would require the Oregon Department of Corrections (ODOC) to reduce or waive its estimated fees in connection with your public records request, or, in the alternative, permit you to inspect the records that you have requested in lieu of making copies. We respectfully deny your petition, for the reasons that follow.

To the extent you ask us to order ODOC to waive its fees, we observe that ORS 192.440(5) permits ODOC to do so "if [ODOC] determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public." A person who believes that a waiver request has been unreasonably denied may petition the Attorney General. ORS 192.440(6). We see no basis to believe that fulfilling your request will "primarily benefit[] the general public." From your petition, it is clear that you are the one who will primarily benefit from the fulfillment of your request. Because we see no basis to conclude that the public interest test of ORS 192.440(5) is met, we decline to order ODOC to reduce or waive its fees.

We turn now to your request that we order ODOC to permit you to inspect the records in lieu of receiving copies. Our office has repeatedly expressed the view that ODOC's policy of requiring inmates to accept copies of records in lieu of inspecting the underlying records is permissible in light of the likely analogous costs to requesters and the disruption that permitting such inspections would cause. *See* ORS 192.430(2); Public Records Order, July 19, 1982, Baucom (copy enclosed).

For the foregoing reasons your petition is respectfully denied.

Sincerely,

FREDERICK M. BOSS
Chief Counsel, Civil Enforcement Division

MHW:nog/Justice #3783645
Enclosure
c w/enc: Karin Potts, DOC
Jeff Premo, DOC