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

August 2, 2012

Romeo Hardin, SID #17168275
Oregon State Penitentiary
2605 State Street
Salem, OR 97310-1346

Re: Public Records Order
Oregon Department of Corrections Records
DOJ File No. 291011-GA0058-12

Dear Mr. Hardin,

This letter is the Attorney General's order in response to your petition asking our office to direct the Oregon Department of Corrections (ODOC) to disclose public records to you. We received your petition on July 27, 2012.

Your petition refers to a May 22, 2012 public records request that you indicate you made to ODOC through Jeff Premo, superintendent of the Oregon State Prison, and an ODOC employee you identify as Peter Collecter. We have spoken to ODOC officials about your petition. They inform us that ODOC has no record of receiving a written public records request from you on that date. They have further stated that ODOC is willing to treat your petition as a public records request. We respectfully deny your petition because ODOC has not denied your public records request. See ORS 192.450(1) (right to file a petition with the Attorney General conferred on "any person denied the right to inspect or to receive a copy of any public record of a state agency").

We understand that ODOC will be in contact to inform you that your public records request cannot be processed at this time because your inmate trust account contains an insufficient balance to cover the estimated cost of ODOC's response to your request. ORS 192.440(4) permits public bodies to establish fees for public records requests that are

reasonably calculated to recover their actual costs. Consequently, ODOC's policy of requiring prepayment of estimated fee amounts does not amount to a denial of a public records request.

Sincerely,

KEITH S. DUBANEVICH
Associate Attorney General

MHW:nog/Justice #3550367
c: Jeff Premo, Superintendent, Oregon State Penitentiary
Jacob Humphreys, ODOC
Karin Potts, ODOC