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January 6, 2016

**SENT VIA REGULAR U.S. MAIL**

Douglas R Martin, SID #14038010
Deer Ridge Correctional Institution
3920 E. Ashwood Road
Madras, Oregon 97741

Re: Petition for Public Records Disclosure Order
*Oregon Department of Corrections*
DOJ File No. 291011-GA0169-15

Dear Mr. Martin:

This letter is the Attorney General's order on your petition for public records disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received December 30, 2015, asks the Attorney General to order the Oregon Department of Corrections (ODOC) to "produce copies" of the following items:

> [G]arnishment document, terms, and jurisdiction, executed against funds in my account. Additionally, the creditor, debtor, garnisher, date of judgement, amount subject to garnishment and debt calculation required under ORS 18.832, and finally, date of issue.

For the following reasons, we respectfully deny your petition.

The Oregon Public Records Law confers a right to access any public record of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. The law requires generally that the custodian of public records furnish proper and reasonable opportunities for inspection and/or copying of the record in the office of the custodian. ORS 192.430. Any person denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the public record to determine if it may be withheld from public inspection. ORS 192.450(1).

In your petition, you state that on two occasions, you requested a copy of the "writ of garnishment and execution" to be delivered to you, and that both requests were denied. Your petition specifically refers to "M.D.I.S.A.-11052012 Document." However, Bob Culp, ODOC's Central Trust Manager, has explained to us that there is no writ of garnishment, because the indebtedness related to MDISA 11052012 was not created by a garnishment action. Rather, as he explained in a December 28, 2015 letter to you, you "received the MDISA through the hearings process and received a sanction as a result of your actions."[1]

According to Mr. Culp, ODOC's Central Trust records show that, following a disciplinary hearing, you were ordered to pay a medical services fine as a sanction. On November 5, 2012, that indebtedness was charged to your inmate trust account as MDISA 11052012. Mr. Culp also advised us that the indebtedness was created by an internal ODOC process[2], that you had an opportunity under ODOC rules to challenge the sanction, and that the garnishment process was not involved in any way. As a result, ODOC does not possess any "writ of garnishment and execution" as to this indebtedness.

We cannot order ODOC to disclose public records that it does not have. Therefore, we respectfully deny your petition.

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

7065622
cc via email only:
Bob Culp, DOC
Kelly Raths, DOC

[1] A copy of that letter is attached for your convenience because it was written after your petition for an order, which you signed on December 25, 2015.

[2] OAR 291-158-0015(2) provides that the Department of Corrections "may assess an inmate's trust account for sanctions resulting from the inmate's disciplinary hearings" and that inmates who are indebted to the Department "shall have their trust account debited and funds disbursed in accordance with the provisions of OAR 291-158-0065." In turn, OAR 291-158-0065 provides, among other things, that an inmate who is indebted to ODOC is permitted to spend a certain amount per month on commissary, but that the "remainder of the funds received by the inmate during the calendar month shall be applied to the inmate's debt until such indebtedness is satisfied[.]"