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September 12, 2017

Henry Childress
SID 10977752
Eastern Oregon Correctional Institution
2500 Westgate
Pendleton, OR 97801

Re: Petition for Public Records Disclosure Order
Oregon Office of Public Defense Services
DOJ File No. 404001-GA0128-17

Dear Mr. Childress:

This letter is the Attorney General's order responding to your petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on September 5, asks the Attorney General to order the Office of Public Defense Services (OPDS) to produce any records it has received from your public defender and the defender's investigator related to your case 16CR53996, including any expenditures submitted.

We spoke with Paul Levy, general counsel at OPDS. He told us that on August 2, OPDS sent you all records pertaining to the investigator's work on your case, and that this represents all of OPDS's records that are responsive to your records request. He explained that OPDS assigned your case to a consortium of attorneys, the Clackamas County Indigent Defense Corporation, and that OPDS contracts directly with that consortium, not with the individual public defenders. The consortium is credited a flat fee depending on the type of case assigned, not based on billing records submitted by your public defender; therefore, OPDS does not have any billing records, and there was no payment made to the consortium that is specific to your case.

Because OPDS has not denied your records request, we respectfully deny your petition. *See* ORS 192.450(1) (Attorney General may order a state agency to disclose records only when the agency has denied the records request).

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM8495580
c via email only: Paul Levy, OPDS