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February 22, 2018

Bradley M. Cunningham
10456927
2605 State Street, NE
Salem, OR 97310

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No. 291011-GA0012-18

Dear Mr. Cunningham:

This letter is the Attorney General's order responding to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition, which we received on February 14, 2018, asks the Attorney General to order the Oregon Department of Corrections (ODOC) to produce certain communications related to you.

Your petition asserts that you twice submitted a records request to ODOC, but have not yet received a response. ODOC's publicly posted procedure for public records requests explains how to request records of the Oregon State Penitentiary. Documents provided by ODOC show that your requests did not comply with that procedure. In a written response to your second request, ODOC explained the proper procedure for submitting a request. But neither ODOC's records nor your petition indicate that you have done so.

Because you have not submitted your records request to the appropriate individual at ODOC, despite ODOC's explanation of the proper procedure, we conclude that ODOC has not denied your request. As a result, we respectfully deny your petition. *See* ORS 192.407(1) (Attorney General can consider a petition for improper delay only when the requester has complied with the publicly posted procedure for submitting records requests). However, ODOC has agreed to now treat your earlier correspondence as a public records request, and will send you a cost estimate for the request.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM8778269
c via email only: Tonya Gushard, ODOC