ELLEN F. ROSENBLUM
Attorney General

FREDERICK M. BOSS
Deputy Attorney General

DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

October 30, 2018

Brad Cunningham
SID# 10456927
Oregon State Penitentiary
2605 State Street
Salem, OR 97310

Re: Petition for Public Records Disclosure Order
DOJ File# 291011-GA0065-18

Dear Mr. Cunningham:

We received your public records petition requesting the Attorney General to order ODOC to disclose certain records. Your petition implies that ODOC denied your request because disclosure would interfere with your rehabilitation. *See* ORS 192.355(5). We contacted ODOC, which confirmed that it has not denied your public records request. Rather, ODOC provided you with a fee estimate on August 13, 2018, which you have not paid. Under ORS 192.329(3), ODOC is not required to process your request until receipt of payment. Because ODOC has not denied your request, the Attorney General lacks jurisdiction to act upon your petition.

Your petition also asks the Attorney General to conduct an independent review of Oregon Department of Corrections (ODOC) public records process. However, the Oregon Public Records Law, ORS Chapter 192, does not give the Attorney General authority to conduct such a review.

If you would like a formal order from the Attorney General considering your petition, please let me know.

Sincerely,

Andrew C. Foltz
Public Records Counsel

AF1:acf/9257320
c via email only: Michelle Dodson, ODOC