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March 22, 2019

Mark Huesser
SID# 6095694
3405 Deer Park Drive, SE
Salem, OR 97310

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291011-GA00026-19

Dear Mr. Huesser:

This letter is the Attorney General's response to your petition for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks the Attorney General to order the Oregon Department of Corrections (ODOC) to respond to a public records request you mailed to Crystal Archdeacon, Legal Coordinator of ODOC's Inspector General (IG) Office. Your petition indicates you mailed the request on January 15, 2019 and have not received an acknowledgement or response.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.411(1). A person may also seek review by the Attorney General if a state agency fails to comply with the requirements of ORS 192.329, which establishes timeframes for acknowledging and responding to public records requests. ORS 192.407(1). The agency carries the burden of sustaining its actions. ORS 192.411.

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We contacted Ms. Archdeacon, who informs us that the ODOC IG's office has no record of receiving a request addressed to her. Under the circumstances, it does not appear that ODOC has failed to comply with ORS 192.329 or that it has denied your request. *See* ORS 192.407(1) and 192.411(1). We therefore respectfully dismiss your petition as premature.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM9502337
c via email only: Crystal Archdeacon (ODOC)