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January 30, 2020

VIA EMAIL ONLY: dsupham58@gmail.com

Donald Scott Upham
3906 SW Altadena Ave
Portland, OR 97239

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No. 257001-GA0011-20

Dear Mr. Upham:

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, which we received January 23, 2020, asks the Attorney General to order the Oregon State Police (OSP) to disclose certain records to you. For the reasons that follow, we respectfully deny your petition.

Your petition stems from two records requests to OSP, both of which relate to OSP's investigation into allegations of child abuse by Dylan Sullivan. Your first request, dated January 2, 2020, sought the disclosure of all text messages Sullivan sent to, or received from, someone named Jehnni. You also requested all text messages Sullivan sent to S.W. OSP denied this request on January 22, 2020.

In response to your petition, we contacted Laura Heathcock, OSP Central Records Section Administrative Specialist. With respect to your request for text messages between Sullivan and Jehnni, she explained that there are no responsive records because, to OSP's knowledge, Sullivan did not communicate with anyone named Jehnni. Our order to you dated November 12, 2019, explains this in further detail. We thus deny this part of your petition because we cannot order OSP to disclose records it does not have.

Regarding your request for text messages that Sullivan sent to S.W., Ms. Heathcock informed us that there are no responsive records in Sullivan's investigative case file. She also explained that if responsive messages do exist, they would reside only in the data extracted from

Sullivan's cellular telephones, which were seized by OSP pursuant to a search warrant. We deny this aspect of your petition for the reasons explained in our September 12, 2018 order to you.

Regarding your second records request, dated January 4, 2020, you assert that OSP either failed to provide you with a timely response or that OSP specifically denied the request on January 22, 2020. In response to your petition, Ms. Heathcock informed us that OSP responded to your second request on January 29, 2020. Because OSP has completed its response to you, we deny this aspect of your petition as moot.

For the reasons discussed above, we respectfully deny your petition.

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM10068712
c: via email only: Laura Heathcock, OSP