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February 12, 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-GA0019-20

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 asks the Attorney General to review the Oregon State Police's (OSP) response to a public records request submitted by you on January 4, 2020. Specifically, OSP's January 28, 2020 response indicated that OSP "has not identified any records responsive to your request." Your petition characterizes OSP's response as a vague denial of your records request, and you seek review by us under ORS 192.411.

In light of your petition, we contacted Laura Heathcock, Administrative Specialist in OSP's Central Records Section. She represented that OSP does not possess any records responsive to your January 4, 2020 request and therefore OSP's January 28, 2020 response was not intended to be a denial of your request. She also indicated that OSP sent you an amended response on February 10, 2020 clarifying that OSP "has no records responsive to your request."

We have no reason to second-guess OSP's representation that there are no records responsive to your January 4, 2020 request. And on the record before us, it does not appear that OSP has otherwise denied any aspect of your request. Therefore, we must respectfully deny your petition. *See* ORS 192.411 (in general, the Attorney General may order disclosure only when a records request has been denied).

Sincerely,

Frederick M. Boss
Deputy Attorney General

FMB:pjn/DM10093450
c via email only: Laura Heathcock (OSP)