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June 5, 2020

VIA EMAIL ONLY: johncaptain@hotmail.com

John S. Captain III
8028 SE Stark Street
Portland, OR 97125

Re: Petition for Public Records Disclosure Order
Oregon State Police
DOJ File No.: 257001-GA0053-20

Dear Mr. Captain:

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 State Police (OSP) to disclose records relating to its investigation into the 2013 murder of Tiffany Jenks. Your petition indicates that you requested these records from OSP sometime in 2016 or 2017 but that you never received a 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 Laura Heathcock, OSP Records Specialist, regarding your petition. She indicated that OSP has no record of receiving a request from you in 2016 or 2017. She also indicated that OSP recently advised you of this fact and recommended that you submit a new request specifying the records you seek. To date, OSP has not received a written request from you. Under the circumstances, it does not appear that OSP has denied your request or otherwise failed to comply with ORS 192.329. *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/DM10266132
c via email only: Laura Heathcock (OSP)