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January 28, 2021

Wayne Houff
SID #12348545
Oregon State Correctional Institution
3405 Deer Park Drive SE
Salem, OR 97301

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291011-GA0008-21

Dear Mr. Houff:

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 (DOC) to disclose all records related to any court ordered financial obligations (COFOs) assessed against you in case #980130258, including any communications from the Department of Justice that relate to such COFOs. For the reasons that follow, we respectfully deny your petition.

According to the information you provided, DOC responded to your request by letter dated January 6, 2021. DOC's response explained that COFOs are statutory collections assessed by the Oregon Judicial Department (OJD) and that OJD only provides DOC with the total balance of all COFOs. Because DOC did not receive a case-specific breakdown of your COFO balance from OJD, DOC advised you to submit your request for case-specific information to OJD. Your petition asserts that DOC's response sidestepped your records request and failed to comply with the public records law.

In response to your petition, we contacted Michelle Dodson, DOC's Records Officer. She explained that your request was addressed to the "Inmate Trust" office and was therefore routed to the Central Trust Office rather than through DOC's regular public records channels. She also informed us that under DOC's public records procedures, the Central Trust Office is not designated as an office to which public records requests may be sent. *See* ORS 192.324(7) (requiring agencies to provide written procedures describing to whom public records requests

may be sent); and OAR 291-037-0015 (specifying that requests for DOC records must be addressed to the functional unit manager of the department where the records are located). She indicated that the appropriate office is now aware of your records request and will be contacting you soon with a fee estimate.

Because DOC is now processing your request, we conclude that there has been no denial and we respectfully deny your petition. *See* ORS 192.407(1) and 192.411(1) (the Attorney General's authority is generally limited to evaluating whether a state agency improperly withheld requested records or failed to comply with ORS 192.329[1]).

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

FMB:pjn/
c via e-mail only: Michelle Dodson (DOC)

[1] If a requester believes a state agency has failed to comply with any provision of ORS 192.329, they may appeal to the Attorney General in the same manner as they would appeal a denial of a request under ORS 192.411(1). *See* ORS 192.407(1). However, we find that DOC's obligation to comply with ORS 192.329 was not triggered in this instance because your request was not addressed to, or received by, an individual designated by DOC's procedures to receive public records requests – at least not until after your appeal was submitted. *See* ORS 192.329(1); OAR 291-037-0015.