DA ROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

JAMES E. MOUNTAIN, JR.
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

April 10, 1989

Jason A. Charles - #48248
Oregon State Penitentiary
2605 State Street
Salem, OR 97310

Re: **Petition for Public Records Disclosure Order; Oregon State Penitentiary Records**

Dear Mr. Charles:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on April 3, 1989, asks the Attorney General to direct the Oregon State Penitentiary and, specifically, Security Manager Nicholas L. Armenakis, to provide you a copy of the institution's memorandum ordering your placement in full mechanical restraint on March 14, 1989. For the reasons stated below, we deny your petition as premature.

As you note in your petition, under ORS 192.450(1) denial of the right to inspect public records is a condition precedent to the Attorney General's review of agency action. Here, OSP does not appear to have denied your request. Mr. Armenakis informs us that he has not received a request from you for the document at issue. He states, however, that he will provide you with a copy of that memorandum.

Under these circumstances, we find no denial. Accordingly, we respectfully deny your petition as premature.

Mr. Armenakis' receipt of a copy of this order, with your petition attached, will constitute a proper request for the document you seek. We are confident that he will comply with his duty under the Public Records Law.

Very truly yours,

James E. Mountain Jr., Deputy A.G.

for PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:RWM:cfs/5108G
Enclosure
cc: Nicholas L. Armenakis
Institution Security Manager
Oregon State Penitentiary