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November 7, 2024

Sage Butler
SID# 12309081
82911 Beach Access Rd.
Umatilla, OR 97882

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200-GA0110-24

Dear Mr. Butler:

This letter is the Attorney General's response to your petition seeking 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 (ODOC) to disclose how many Adults in Custody at the Two Rivers Correctional Institution attended religious services on a monthly basis between March and September 2024. According to your petition, ODOC responded to your request by informing you that it does not maintain the statistical data you requested. Your appeal followed and it characterizes ODOC's response as a denial of your request.

We discussed your petition with Michelle Dodson, ODOC's Records officer. She explained that ODOC's initial response was not a denial of your request; rather, it was the department's required notice that it had determined that it was not the custodian of responsive records. *See* ORS 192.329(2)(d). However, she explained, ODOC has subsequently determined that it does possess responsive information and that its erroneous initial response to you was the result of an honest mistake. ODOC has therefore reopened your request and will be in contact with you shortly.

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Because ODOC is now processing your request and did not otherwise mean to deny it, we respectfully dismiss your petition as moot. *See* ORS 192.411(1) (Attorney General's authority is generally limited to evaluating whether a state agency improperly withheld requested records).[1]

Sincerely,

LISA M. UDLAND
Deputy Attorney General

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

[1] Your petition also asks us to order ODOC to pay a $200.00 penalty under ORS 192.407. Because we decline to grant your petition, the $200.00 penalty you seek is not available in this instance. *See* ORS 192.407(3) (penalty provision is contingent upon an order granting the petition and a determination that the agency failed to respond to the request or responded with undue delay).