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December 3, 2024

William Frank Osborne
SID #11449896
82911 Beach Access Rd.
Umatilla, OR 97882

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200-GA0122-24

Dear Mr. Osborne:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petition asks us to order the Oregon Department of Corrections (ODOC) to disclose the name the Corrections Officer who denied your request for a transfer, any communication directing that officer to deny your request, and the procedure that prompted the denial. For the reasons that follow, we respectfully dismiss your petition.

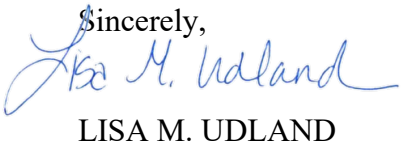
The Public Records Law confers a right to inspect any public record of a public body in Oregon, subject to certain exemptions and limitations. ORS 192.314(1). The law is a disclosure law and exemptions from disclosure must be express. Any person denied the right to inspect or to receive a copy of a public 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). The agency carries the burden to sustain its actions. ORS 192.411(1).

We discussed your petition with Michelle Dodson, ODOC Records Officer. She explained that on October 31, 2024, you submitted an ODOC Form 214 requesting the name of the Corrections Officer who denied your request for a transfer. She explained ODOC's position that your request was styled as a question and not as a public records request. And, she explained, ODOC answered your question on the same form on November 14, 2024, by disclosing the names of the officers involved in denying your request and informing you that your transfer request was denied because you had an upcoming medical appointment. According to Ms. Dodson, ODOC has no record of receiving a records request from you for any communications directing the officers to deny your transfer request or for the procedure that

prompted the denial. ODOC therefore believes your petition for such records is premature because the department has not denied a request from you for those records.

After discussing your petition with Ms. Dodson and reviewing the materials supplied with your appeal, we must dismiss your petition at this time. Because your request for the name of the officer who denied your transfer request was not styled as a public records request and did not seek the disclosure of any particular records, ODOC's response is not subject to our review. *See* ORS 192.411(1) (the Attorney General's authority in the public records petition context is generally limited to evaluating a state agency's denial or partial denial of a records request). We also have no reason to question Ms. Dodson's representation that ODOC has not received a request from you for the additional records you now seek. We therefore respectfully dismiss your petition for those records as premature because ODOC has not denied a request from you for those materials. *Id*. You may, of course, separately request those records from ODOC.

Sincerely,



LISA M. UDLAND
Deputy Attorney General

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