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April 25, 2025

Louis Cyphre
SID # 7876181
Oregon State Penitentiary
2605 State Street
Salem, OR 97310

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200 -GA0045-25

Dear Mr. Cyphre:

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, which we received April 18, 2025, asks the Attorney General to review the Oregon Department of Corrections (DOC) failure to respond to your records request. For the reasons discussed below, we respectfully deny your petition.

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). 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).

Your petition asks the Attorney General to investigate the conduct of a DOC employee, Stephanie Saenz, "in refusing to comply with the public records request" that you submitted on March 21, 2025. In response to your petition, we contacted Michelle Dodson, DOC's Records Officer. She explained that under DOC's public records procedures, Ms. Saenz, a DOC Recreational Specialist, is not designated as the functional unit manager to whom 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). Ms. Dodson indicated that Ms. Saenz told you she

could not accept the request, and she told you that you would need to direct your request to the functional unit manager.

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). We find, however, 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. *See* ORS 192.329(1); OAR 291-037-0015. For these reasons, we respectfully deny your petition.

Sincerely,

Lisa M. Udland

LISA M. UDLAND
Deputy Attorney General

DEP/pjn
c via email only: Michelle Dodson, Records Officer, Oregon Department of Corrections