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September 2, 2025

Shane Greene
SID # 14840834
Deer Ridge Correctional Institution
3920 E. Ashwood Road
Madras, OR 97741

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200- GA0119-25

Dear Mr. Greene:

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 relates to a request for records you submitted to the Oregon Department of Corrections (ODOC). 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). Upon receipt of a written public records request by an individual identified in an agency's published procedures for submitting requests, the agency is obligated to respond to the request "as soon as practicable and without unreasonable delay." ORS 192.329(1). An agency that is unable to complete its response within fifteen business days of receiving a written request is required to provide the requester with a reasonable estimated completion date. ORS 192.329(5). A requester may petition the Attorney General if they believe an agency has failed to comply with the processing timelines contained in ORS 192.329. ORS 192.407(1). The agency carries the burden of sustaining its actions. ORS 192.411(1).

Your petition stems from a records request made by you to ODOC on March 13, 2025, seeking certain emails. After sending this request, you had a series of communications with ODOC concerning your request for a fee waiver. When ODOC denied your request for a fee waiver, you renewed your records request. ODOC acknowledged receipt of your renewed request on June 27, 2025, but did not provide any further response.

After receiving no additional communication from ODOC, you filed this petition seeking to compel ODOC to complete its response at no further charge to you. Upon receiving your petition, ODOC's Public Records Program Manager, Toby Tooley, provided you with a supplemental response and fee estimate dated August 28, 2025. In this communication, Mr. Tooley indicated that ODOC's response to you had been delayed due to workload issues and clerical error.

From the available record, it appears ODOC failed to respond to your request within statutorily prescribed timeframes, and we are required to treat this failure as a denial of your request. ORS 192.407(1)(a). ODOC, however, has not actually denied any portion of your request, and it is now waiting for payment from you to process the email search you have requested. Under these circumstances, we decline to exercise our discretion to penalize ODOC or order waiver of the fees, and we respectfully deny your petition. *See* ORS 192.407(3). You are free, of course, to file a new petition with this office if you wish to contest ODOC's subsequent handling of your records request.

Sincerely,

BENJAMIN GUTMAN
Interim Deputy Attorney General

DEP/pjn
c via email only: Toby Tooley, Records Officer, Oregon Department of Corrections