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November 18, 2025

**VIA E-MAIL ONLY:** ashlepenn.ap3@gmail.com

AshLe' Penn
17458 NW Springville Rd #9
Portland, OR 97229

Re: Petition for Public Records Disclosure Order
*Oregon Department of Corrections*
DOJ File No.: 291200-GA0145-25

Dear Ms. Penn:

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). 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 an email you sent to ODOC's rules coordinator, Julie Vaughn, for "a certified copy of any signed delegation of authority to any officer or employee to whom rulemaking authority has been delegated * * *." In response to this email, Ms. Vaughn directed you to make a public records request through ODOC's online public records portal. You replied to Ms. Vaughn's email and renewed your records request, but you did not submit a request through ODOC's online public records portal. On October 22, 2025, Melissa Nofziger, ODOC's Legal Affairs Administrator, emailed you and explained that you would need to submit your public records request in accordance with ODOC's published public records policy. Your petition indicates that you did not submit a request according to ODOC's public records policy.

Your petition argues that you were not required to follow ODOC's policy. Specifically, your petition states that "ORS 183.330(2), read together with ORS 183.325" creates an "independent right of inspection separate from the Public Records Law." Therefore, your petition contends, your request was not required to comply with ODOC's published policy regarding submission of public records requests.

To the extent you are seeking relief for a request made outside the Public Records Law, the Attorney General lacks statutory authority to adjudicate your claim. The Attorney General's authority extends to records request denied under "ORS 192.311 to ORS 192.478" (Oregon's Public Records Law). *See* ORS 192.407(1). The Attorney General does not have statutory authority over a records request made pursuant to ORS 183.330(2) or ORS 183.325.

To the extent you are claiming that ODOC has failed to comply with any provision of Oregon Public Records Law, you may appeal to the Attorney General. *See* ORS 192.407(1). We find, however, that ODOC's obligation to comply with Oregon's Public Records Law was not triggered in this instance because your request was not submitted pursuant to ODOC's published procedures for submission of public records requests. *See* ORS 192.329(1); OAR 291-037-0015. For these reasons, we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Interim Deputy Attorney General

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