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January 24, 1994

David Maimon, SID #6211527
Snake River Correctional Institution
777 Stanton Blvd.
Ontario, OR 97914

Re: **Petition for Public Records Disclosure Order**
Oregon State Hospital Records

Dear Mr. Maimon:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on January 18, 1994, asks the Attorney General to direct the Administrator of Restitution, Treatment and Training, Inc. (R.T.A.T.), a contractor of the Oregon State Hospital that provides sex offender treatment services to inmates at the Snake River Correctional Institution (SRCI), to make available to you a copy of the following records:

> the psychological autobiography and various psychological tests that the Petitioner was given for a "take-back-to-the-cell" and return later basis in the assessment and evaluation (voluntary) portion of the R.T.A.T. sex offender program * * *.

For the reasons that follow, we respectfully deny your petition as moot.

The Public Records Law confers a right to access any public record of a public body in Oregon, subject to certain exemptions and limitations. See ORS 192.420. The law requires generally that the custodian of public records furnish proper and reasonable opportunities for inspection and/or copying of the record in the office of the custodian. ORS 192.430. Any person denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the public record to determine if it may be withheld from public inspection. ORS 192.450(1). Under these provisions, an agency may be said to have "denied" a request to inspect or to receive a copy of a public record only if it receives a proper request for public records. Public Records Order, July 7, 1989 (Baker).

Your petition states that you originally requested a copy of the records by letter dated December 3, 1993, addressed to Don Stephens, Administrator of R.T.A.T., but you had received no response to your letter as of the date of your petition.

We have spoken with Ms. Sandy Abegg, Acting Administrator of R.T.A.T., concerning your petition. Ms. Abegg informs us that, despite a thorough search, her office was unable to locate a letter from you requesting the records. Notwithstanding the above, Ms. Abegg advises that she has caused the records to be copied, and has directed your counselor to provide the records to you upon your submission of payment authorization on the appropriate Oregon Department of Corrections form.

Because Ms. Abegg has informed you that you may obtain a copy of the requested records from R.T.A.T. upon your submission of payment authorization on the appropriate Oregon Department of Corrections form, we deny your petition as moot.[1/]

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to
the Attorney General

ESH:AV:JVV:bjs/JGG08BB2
c: Tom Masters, Program Director
Correctional Treatment Services
Oregon State Hospital

Sandy Abegg, Acting Administrator
Restitution, Treatment and Training, Inc.

Edward L. Gates, Superintendent
Thomas L. Lester, Assistant Superintendent
Kent Ward, Program Services Manager
Snake River Correctional Institution

[1/] The agency may charge a fee reasonably calculated to cover its costs in making copies of the records available to you. ORS 192.440(3).