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DEPARTMENT OF JUSTICE

Justice Building
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Telephone: (503) 378-4400

July 27, 1990

Steven L. Fox
Box # 12498
Oregon State Correctional Institution
3405 Deer Park Drive, SE
Salem, OR 97310

Re: **Request For Public Records Disclosure Order; Oregon State Penitentiary Records**

Dear Mr. Fox:

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 July 20, 1990, asks the Attorney General to order the Oregon State Penitentiary (OSP) to make available to you copies of the following records:

"1) A complete and accurate copy of money order receipts received by the plaintiff at mail call during the month of December, 1988.

"2) A complete and accurate list of any and all items bought by petitioner from the OSP canteen while housed there.

"3) A complete and accurate list of movements that petitioner made to and from each cell, dates, times, and places.

"4) The property officer's name who was working 'S-I' December 1, 1988, through January 9, 1989.

"5) Copies of any commisary [sic] receipts signed by plaintiff.

"6) Complete and accurate copies of all kites and grievance forms written by Petitioner to OSP receiving room, OSP S-I Property Officer, Assistant Supt., and Superintendent of OSP regarding lost property and asking to have it returned to OSCI where I had been returned."

Your current petition is identical to one received by this office on May 30, 1990. In our prior response to you dated June 6, 1990, we informed you that OSP had indicated to us that they had received no written request from you for the documents. On that basis, we informed you that we had no authority to order OSP to provide copies of the documents to you, and denied your petition.

In reviewing this matter, we have again spoken with OSP officials, who have again informed us that they have not received a proper written request for the documents. Moreover, you have failed to provide us with a copy of any written request for public records addressed to Superintendent Maass at OSP. Notwithstanding these apparent difficulties with your petition, OSP informs us that they will accept from us a copy of your petition for public records addressed to the Attorney General, and treat it as a proper request to provide you with copies of public records maintained at the Oregon State Penitentiary. We are further informed that OSP will respond in a timely fashion to your public records request, and provide you with a statement of those costs you will be required to pre-pay to OSP for staff review and copying of the requested records, as provided in the Department of Corrections administrative rule governing procedures for obtaining department records. We have previously provided you with a copy of this rule with our prior response.

On this basis, we deny your petition as premature.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:JJVV:RDW:cfs/6636G
c: Manfred Maass, Superintendent
Oregon State Penitentiary
2605 State Street
Salem, OR 97310