DAVE FROHNMAYER
ATTORNEY GENERAL
STATE OF OREGON

JAMES E. MOUNTAIN, JR.
DEPUTY ATTORNEY GENERAL



DEPARTMENT OF JUSTICE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

December 3, 1990

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

Re: **Request For Public Records Disclosure Order; Oregon State Correctional Institution 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 November 26, 1990, asks the Attorney General to order the Oregon State Correctional Institution (OSCI) to make available to you copies of the following records:

"1.) A complete movement sheet of moves I made while here at OSCI;

2.) Any grievance forms I sent to Mr. Hoffmaster during 01-09-89 through 7-03-90 (any and all);

3.) Any kytes I sent to Mr. Bradford, the Receiving Room Officer, Carl Zenon, and any Lieutenants or Captains at OSCI concerning lost property at OSP;

4.) A copy of all misconduct reports wrote on myself."

In a cover letter attached to your petition, you state that you sent a written request for the records to OSCI Superintendent Zenon on October 29, 1990, and that Superintendent Zenon denied your request. You have failed to provide us, however, with a copy of the response you claim was

sent to you by Superintendent Zenon. Contrary to your representation, OSCI informs us that it has received no written request from you for the documents you seek. Moreover, in reviewing our file concerning this petition for public records, it appears that you sent to us your original signed request for public records addressed to Superintendent Zenon, dated October 29, 1990.

As you know from our prior orders on your previous petitions for public records, we have no authority to order a state agency to disclose public records until the agency has denied a proper request for records. See ORS 192.450(1). Accordingly, because OSCI did not deny a proper request for records, we must deny your petition as premature.

If you submit a proper request for records to OSCI, pursuant to the procedures we have previously explained to you, OSCI will promptly act on that request.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:JVV:bjs/3086G
c: Carl Zenon, Superintendent
Oregon State Correctional Institution
3405 Deer Park Drive, SE
Salem, OR 97310