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March 18, 1998

Leumal Hentz, SID # 6750414
Eastern Oregon Correctional Institution
2500 Westgate
Pendleton, Oregon 97801

Re: *Petition for Public Records Disclosure Order: Eastern Oregon Correctional Institution Records*

Dear Mr. Hentz:

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 March 16, 1998, asks the Attorney General to direct the Disciplinary Hearing Office and the Records Department at the Eastern Oregon Correctional Institution (EOCI), to make available to you the following:

1. Copy of the Disciplinary Hearing Investigator Report written by Mr. Powell the week of 2/4/98 under Disciplinary case # 9802-J007;

2. Copy of written directive by Mr. Baldwin about shaving the head, that is in the file under 9802-J007, copy of complete file; and

3. To be allowed to review all contents of my institutional file, that is being held in the [EOCI] Records Department. This file is filed under Leumal Hentz #750414

For the following reasons, we respectfully deny your petition.[1]

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[1] We appreciate your courtesy in extending the time in which the law would otherwise have required the order to be issued in this matter.

The Public Records Law confers a right to inspect 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 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).

EOCI Superintendent George Baldwin informs us that he has directed EOCI Hearings Office staff to make available to you copies of the records referenced in items #1 and #2, above, upon your payment to the Oregon Department of Corrections of its costs in making copies of the records available to you.[2] With respect to item #3, you have informed Assistant Attorney General Jef Van Valkenburgh that you wish to narrow the scope of your petition (and request to EOCI) by withdrawing at this time your request to review those records.

Under these circumstances, we respectfully deny your petition as moot.

Sincerely,



DAVID SCHUMAN
Deputy Attorney General

JAA02A7C
cc: George H. Baldwin Jr.
Superintendent, EOCI

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[2] The Public Records Law permits public bodies to establish and recover fees reasonably calculated to reimburse them for their actual cost in making public records available, including the time spent by agency staff in locating and reviewing the requested records in order to delete exempt material. *See* ORS 192.440(3); *see also* Public Records Order, April 7, 1989 (Martin).