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January 3, 1997

Larry L. Learch, SID #2787661
Oregon State Penitentiary
2605 State Street
Salem, OR 97310

Re: *Petition for Public Records Disclosure Order: Oregon Board of Parole and Post-Prison Supervision Records*

Dear Mr. Learch:

This is 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 December 27, 1996, asks the Attorney General to direct the Oregon Board of Parole and Post-Prison Supervision (Board) and its employees to make available to you for inspection the following records:

> A full copy of the 1982 parole packet that I received for my 1982 parole hearing.

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

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).

Your petition states that you requested a copy of the above-referenced records from the Board in May, and again in October, 1996, but that you received no reply to your requests.

We have spoken with the Board's Executive Director, Jim Eckland, regarding your petition. Mr. Eckland informs us that his office inadvertently failed to respond to your letter of October 29, 1996, requesting a copy of your December 1982, hearing packet. He further informs us that in response to your request he will be furnishing you with a copy of those records without further delay, and that the Board will be waiving its fees for making the records available in this instance.

Because the Board is furnishing you with copies of the records you seek, we respectfully deny your petition as moot.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

JVV:AV:JGG0F211
c: Jim Eckland, Executive Director
Oregon Board of Parole and Post-Prison Supervision