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September 25, 1997

William J. Birhanzl, SID No. 6410207
Multnomah County Detention Center
CPMS No. 69645
1120 SW 3rd Avenue
Portland, OR 97204

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

Dear Mr. Birhanzl:

This 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 September 18, 1997, asks the Attorney General to direct the Oregon Board of Parole and Post-Prison Supervision (board) to make available for inspection and to produce a copy of an audio tape of your conversation with Joyce Lewis on September 16, 1997. We respectfully deny your petition.

In your petition you state that your request was made at the Multnomah County Detention Center on September 16, 1997, and your request was denied by Joyce Lewis. Board rule OAR 255-015-0005(2) requires that a public records request be in writing and addressed to the chairperson of the board. The board has no record of your request, and thus did not have the opportunity to grant or deny your request. This office has no authority under the Public Records Law to order the board to provide you the requested records when the board has not denied your request.

We have also been informed by Ms. Lewis that your conversation with her on September 16, 1997, was not recorded as the tape recorder was never activated. We therefore deny your petition for the additional reason that the board does not have the record that you seek.

Sincerely,

STEPHANIE STRIFFLER
Special Counsel to the Attorney General

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