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DEPARTMENT OF JUSTICE
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Salem, Oregon 97310
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August 21, 1996

Brent C. Whitmore, SID # 8409080
Oregon State Penitentiary
2605 State Street
Salem, OR 97310-0505

RE: *Petition for Public Records Order: Oregon Department of Corrections*

Dear Mr. Whitmore:

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 August 14, 1996, asks the Attorney General to direct "the Dir" (which we presume to mean the Director of the Oregon Department of Corrections) to make available the following records:

> Records of my recorded good time up on to my release date * * * and a inspection of custody and my "person my entiaty" interview of all records from the crime lab in Portland, record dept, doc of fund both accounts, visit me at "INV"-OSP.

We respectfully deny your petition. We have contacted both the central records office of the Oregon Department of Corrections and the records office at the Oregon State Penitentiary, and have been informed that neither records office has received a request from you for records.[1]

[1] Under the Department of Corrections rule, OAR 291-37-015(2), records requests must be in writing and addressed to the department's functional unit manager where the records are located.

Absent a request to and a denial of records by a state agency, the Attorney General has no authority to order disclosure. *See* ORS 192.450. Accordingly, we deny your petition as premature.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:JGR:AV:prv/JGG0E573.W51
c: Sharon Christensen, Central Records Information
Oregon Department of Corrections
2575 Center Street NE
Salem, OR 97310

Tamara Blair, Records Office
Oregon State Penitentiary
2605 State Street
Salem, OR 97310