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June 16, 1995

David E. St Pierre
PO Box 1989-38141
Ely, NV 89301

Re: *Petition for Public Records Disclosure Order: Oregon Department of State Police Records*

Dear Mr. St Pierre:

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 June 9, 1995, essentially asks the Attorney General to order the State Police to provide you with records, in their control, which pertain to your criminal history. You indicated in your petition to the Attorney General that the reason for your request was to correct "errors and inequities" in a previous pre-sentence investigation. Although you do not say so, it seems a fair inference that you believe these "errors and inequities" may have their origin in the State Police records for which you petition access.

For the reasons which follow, we deny your petition as moot.

I have discussed your petition with personnel of the ID Services Section of the Oregon State Police. I understand from them that they have received two requests from you, the first in April and the second in mid-May of this year. They responded to each request with an indication that the records would be forthcoming upon receipt from you of $12 and a set of your fingerprints.

The Oregon administrative rule which authorizes the $12 charge for an individual's own personal history record does not apply when the requesting individual expresses a belief, at the time of request for access, that the records are "inaccurate" or "incomplete". OAR 257-10-035 (1) and (6). The State Police tell us that your April request does not mention

"errors and inequities" and the copy of your May 19, 1995, letter which you furnished with your petition is also silent on this score. If you had included this information with your initial requests we believe it likely that the State Police would not have imposed the $12 charge.

As for the set of fingerprints requirement- Yesterday my office determined that the custodial officials at Ely would not provide you with a set of inked fingerprints. Further communication, however, with the Department of Corrections in Carson City resulted in an agreement to mail this office a high quality copy of your ten prints. The ID Section personnel at the Oregon State Police tell us that this will be sufficient to identify you and locate your history. Assuming we receive the fingerprints today or Monday, you should have the requested information within two weeks.

Accordingly, your petition is denied as moot.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

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