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October 2, 2014

Shelby Sebens
GoLocalPDX
ssebens@golocalpdx.com

Re: Petition for Review of Denial of Fee Waiver:
Office of Legislative Counsel

Dear Ms. Sebens:

This letter is the Attorney General's order in response to your petition asking our office to order the Office of Legislative Counsel (LC) to waive fees associated with a public records request you made to that office. LC denied your request for a fee waiver.

Following the receipt of your petition, we spoke to LC regarding your waiver request. Legislative Counsel Dexter Johnson informed us that LC had denied your request on behalf of Representative Dennis Richardson, to whom your request for public records was initially addressed.

ORS 192.440(6) provides that, when fee waiver requests are denied, our office has the same authority as "it has when inspection of a public record is denied." That authority does not include the authority to review decisions made by elected officials:

> In any case in which a person is denied the right to inspect or to receive a copy of a public record in the custody of an elected official, or in the custody of any other person but as to which an elected official claims the right to withhold disclosure, no petition to require disclosure may be filed with the Attorney General or district attorney, or if a petition is filed it shall not be considered by the Attorney General or district attorney after a claim of right to withhold disclosure by an elected official. In such case a person denied the right to inspect or to receive a copy of a public record may institute proceedings for injunctive or declaratory relief in the appropriate circuit court[.]

ORS 192.480. Because LC acted for Representative Richardson in denying your request, ORS 192.480 prohibits us from considering your petition.

Sincerely,

FREDERICK M. BOSS
Deputy Attorney General

DM 5866430

c: Dexter Johnson, Office of Legislative Counsel