JOHN R. KROGER
ATTORNEY GENERAL

MARY H. WILLIAMS
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
1162 Court Street NE
Justice Building
Salem, Oregon 97301-4096
Telephone: (503) 378-4400

December 23, 2010

Joyce Boles
818 SW Third Avenue, #66
Portland, OR 97204

Re: Public Records Petition

Dear Ms. Boles:

On December 21, 2010, we received your petition seeking an order compelling Portland State University (PSU) to disclose certain records you requested. Specifically, in a November 13 email, you had asked PSU to provide you with "all documents including emails and other electronic records concerning myself that are in the care and custody of [the Disabled Resources Center]." Your petition states that you had not received any response from PSU, and asks that we construe this lack of response as a denial. Your petition also states that you hope to receive records at no charge, in light of the fact that PSU has previously agreed to waive fees connected to your requests for records.

We respectfully deny your petition because PSU has stated its willingness to provide you with the requested records upon receiving prepayment of its fees. In a letter dated December 8, Darla Collar of PSU informed you that the fees associated with your request amount to $72.50 in copying costs,[1] and that the records would be made available to you following payment of that amount. Thus, PSU has not denied your request.

With respect to your hope that the documents would be provided at no charge, Ms. Collar informs us that you have not requested a fee waiver from PSU. Consequently, considering whether PSU has unreasonably denied a waiver request would be premature. Ms. Collar notes that, in waiving previous fees, PSU expressly stated that it may charge in the future. And

[1] It appears that the $72.90 covers both this request and another request you made of PSU seeking "All documents from Sharon Blanton, including emails, in her care and custody and in the care and custody of her subordinates, which contain or otherwise reference your name in any way."

nothing in the Public Records Law provides that waiving fees associated with one request binds a public body to waive fees associated with future requests.

For the reasons given above, your petition is respectfully denied.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

c: Darla Collar, PSU