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 19, 2011

6A0121-11

Keith Appleby
1276 Adams Street
Eugene, OR 97402

Dear Mr. Appleby,

On December 12, 2011, our office received your correspondence asking the Attorney General to order the University of Oregon (UO) to disclose certain records to you pursuant to Oregon's Public Records Law, ORS 192.410 to 192.505. The records in question are (1) a copy of a contract between UO and the law firm Hershner Hunter relating to that firm's work on a legal matter involving you, and (2) billing records pertaining to the same contract.

UO estimated that providing the requested records would entail three hours of work by UO's General Counsel, at a cost of $387. The University agreed to waive $200 of these costs, but required you to pay the remaining amount of $187. You object to this fee, asserting that it "is exorbitant and is designed to conceal the records of the secret contract with Hershner Hunter from the public." In an effort to resolve this issue with a minimum of further expense, UO informs us that it will provide you with a revised estimate. Thus, your petition is moot insofar as it asserts that the UO's fee estimate is an unlawful impediment to your inspection of public records.

To the extent you are seeking an order compelling UO to waive or reduce its fees, we deny your petition. ORS 192.440(5) permits such waivers when "the [public body] determines that waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public." In this case, we are aware that you are adverse to UO in a number of legal proceedings. These billing records are the work of attorneys for UO that relate to the dispute between you and UO. Under the circumstances, we have no difficulty concluding that you intend to use these records primarily for your own benefit, rather than the benefit of the public.

For the foregoing reasons, your petition is respectfully denied.

Sincerely,

MARY H. WILLIAMS
Deputy Attorney General

MHW:smg/3137463-v1
c: Lisa Thornton, Public Records Officer, UO
Randy Geller, General Counsel, UO