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November 13, 2025

VIA E-MAIL ONLY: philharpster@gmail.com

Philip Harpster
489 La Cresta Drive SE
Salem, OR 97306

Re: Petition for Public Records Disclosure Order
State Accident Insurance Fund
DOJ File No.: 435001-GA0156-25

Dear Mr. Harpster:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.431. Your petition asks the Attorney General to find that the fee estimate provided by State Accident Insurance Fund (SAIF) in response to your records request was unreasonable and amounts to a constructive denial of your request. For the reasons discussed below, we respectfully dismiss your petition.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). Agencies may establish fees reasonably calculated to recover actual costs in making public records available. ORS 192.324(4). If an agency informs a requester of a fee, its obligation to process a request is suspended until the fee has been paid or waived. *See* ORS 192.329(3)(a). There is no provision in the Public Records Law authorizing the Attorney General to review the reasonableness of an agency's fee estimate. *See Attorney General's Public Records and Meetings Manual* at 18 (2024) ("Manual"). However, we have interpreted ORS 192.411(1) to permit the Attorney General to evaluate an agency's fee "where the amount of the fee in comparison to the nature of the request suggests that the true purpose of the fee is to constructively deny the request, rather than to recoup the agency's actual costs." *Id*. (citation omitted).

According to your petition, SAIF provided you with a fee estimate of $47,726.86 for the cost to process your request. At the same time, SAIF also denied your request for a fee waiver. In response to your petition, we contacted Jill Gragg, SAIF Chief Legal Counsel. She informed us that, on November 6, 2025, after submitting your petition, you narrowed your public records

request. On November 12, 2025, after beginning to process your narrowed request, Ms. Gragg informed us that you withdrew your request "in its entirety." Because you withdrew your request, we respectfully dismiss your petition as moot.

Sincerely,

BENJAMIN GUTMAN
Interim Deputy Attorney General

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c via e-mail only: Jill Gragg (SAIF)