DAN RAYFIELD
ATTORNEY GENERAL

BENJAMIN GUTMAN
INTERIM DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-6002

November 10, 2025

VIA E-MAIL ONLY: endresslg42@gmail.com

Bryan Endress and Maren Peterson
605 B Avenue
La Grande, OR 97850

Re: Petition for Public Records Disclosure Order
Oregon Department of Education
DOJ File No.: 581001-GA0153-25

Dear Mr. Endress and Ms. Peterson:

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 order the Oregon Department of Education (ODE) to fully waive its fees to produce records to you. For the reasons discussed below, we respectfully deny 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, but "may furnish copies without charge or a substantially reduced fee if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public." ORS 192.324(4)–(5). The furnishing of public records primarily benefits the general public when its greatest utility is to the community or society as a whole. *See In Defense of Animals*, 199 Or App 160, 189 (2005). Pertinent factors include the requester's identity, the purpose for which the information will be used, the character of the information, whether the requested information is already in the public domain, and whether the requester can meaningfully disseminate the information to the general public. *Attorney General's Public Records and Meetings Manual* at 19 (2024). And regardless of how interested the public may be in a particular matter, if the requester fails to demonstrate the ability to meaningfully disseminate the requested information, disclosure will not primarily benefit the general public. *Id.*

If waiving or reducing processing fees is in the public interest, agencies nevertheless have discretion whether to do so. When evaluating whether an agency's denial of a fee waiver or

reduction was reasonable, we consider the character of the public interest in the particular disclosure, the extent to which the fee impedes that public interest, and the extent to which a waiver would burden the public body. *Id*. A requester who believes there has been an unreasonable denial of a fee waiver or reduction may petition the Attorney General for review. ORS 192.324(6).

Under the circumstances, we cannot conclude that ODE was required to fully waive its fees. First, your petition does not explain how the public would be the primary beneficiary of the records you have requested. Rather, given the nature of the records you seek, your request seems primarily intended to serve your private interests. And the available record fails to demonstrate that you have the ability to meaningfully disseminate the information at issue here to the general public.

Second, in order to determine whether the denial of a full waiver of your fees was reasonable, we contacted Emily Nazarov, ODE Government and Legal Affairs Manager, regarding your petition. She explained that you have already received a portion of the records responsive to this request without charge and have also received a partial, 25 percent reduction in fees on the remainder, despite ODE not finding that the reduction of fees is in the public interest. Moreover, she explained that a full waiver of all fees would burden ODE due to the scope of this particular request in relation to the size and nature of your other public records requests. Ms. Nazarov stated that you have already submitted 39 requests to ODE between August 27 and October 19 of this year and that all of these requests relate to the same complaint originally filed by you. As a result, she explained, the impact of responding to this request in tandem with your other requests is creating an unreasonable burden for ODE.

We therefore find the denial of a full waiver of your fees by ODE was reasonable and respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Interim Deputy Attorney General

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c via e-mail only: Haedon Brunelle (Oregon Department of Education)