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March 4, 2026

Robert Thompson, SID# 12755497
82911 Beach Access Rd.
Umatilla, OR 97882

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200-GA0043-26

Dear Mr. Thompson:

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 concerns a request to the Oregon Department of Corrections (ODOC) for copies of contracts between ODOC and its commissary vendors. ODOC estimated a fee of $2,612, projecting that it would take about 80 hours to locate, review, and redact the responsive records. Your petition argues that the estimated fee operates as a constructive denial of your records request.

Agencies may establish fees reasonably calculated to recover actual costs in making public records available. ORS 192.324(4)–(5). Although the Attorney General generally lacks authority to review the reasonableness of a fee estimate, we may consider whether a fee is so disproportionate to the request that it appears intended to constructively deny access rather than recoup costs. *Attorney General's Public Records & Meetings Manual* at 18 (2024). This review requires the public body to explain how it calculated its fee.

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In evaluating your petition, we spoke with Tamera Bowser, Contract and Procurement Specialist for ODOC. She explained that ODOC has contracts with numerous commissary vendors, and these contracts are frequently amended. Because your request did not specify a time period, ODOC would need to search through many boxes of records stored in physical archives. Additionally, ODOC would need to conduct electronic searches and review of emails to ensure that all contract amendments were located and provided. Based on our discussion with Ms. Bowser, ODOC's estimate appears reasonably calculated to recover its actual costs, and we cannot conclude that the fee constitutes a constructive denial. For these reasons, we deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DP:pjn
c via e-mail only: Toby Tooley (Oregon Department of Corrections)