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May 12, 2026

VIA E-MAIL ONLY: trishabrianstevens@gmail.com

Trisha Stevens
33419 SE Carpenter Ln
Gresham, OR 97080

Re: Petition for Public Records Disclosure Order
Oregon Department of Corrections
DOJ File No.: 291200-GA0088-26

Dear Ms. Stevens:

This letter is the Attorney General's response to your petitions for disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Your petitions relate to requests submitted to the Oregon Department of Corrections (ODOC). For the reasons discussed below, we respectfully deny your petitions.

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). Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.411(1). The agency carries the burden to sustain its actions. ORS 192.411(1).

You submitted two petitions to the Attorney General. Your first petition states that your son, Tanner Stevens, made a public records request to ODOC, and that ODOC withheld records from him under ORS 192.355(5) (the corrections records exemption). You seek review of that decision on Mr. Stevens's behalf. We must respectfully deny your petition because ***you*** did not make the underlying records request. The Public Records Law allows "any person denied the right to inspect * * * any public record of a state agency" to file a petition with the Attorney General. ORS 192.411(1). Because you were not the requester and did not receive a denial, you lack standing to submit this petition.[1] Mr. Stevens may, of course, file his own petition if he wishes to challenge ODOC's decision.

[1] *See* Public Records Order, Jan 5, 2010, Harbaugh (finding no "standing to petition with respect to" another person's records request).

Your petition also challenges ODOC's decision to charge a processing fee in connection with a separate records request made by you. Your petition states that you are concerned that "ODOC is charging $100 for records that were used as the basis for a disciplinary finding against my son, resulting in the loss of earned good time credits." You argue that "charging for records used to deprive a prisoner of a liberty interest raises serious due process concerns."

Agencies may establish fees reasonably calculated to recover actual costs in making public records available, but "may furnish copies without charge or at 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) and (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). 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 ODOC was required to waive its processing fee. 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 private interests. We therefore respectfully deny your petition insofar as you are seeking a waiver of the $100 processing fee.[2]

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP/pjn
c via email only: Toby Tooley, Records Officer, Oregon Department of Corrections

[2] To the extent your petition seeks to challenge the constitutionality of ODOC's decision to charge a fee on due process grounds, the Attorney General cannot address that issue in this proceeding. There is no provision in the Public Records Law giving the Attorney General the authority to adjudicate constitutional rights.