DAN RAYFIELD
ATTORNEY GENERAL

BENJAMIN GUTMAN
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

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

August 31, 2026

VIA E-MAIL ONLY: chewy15150@yahoo.com

Dawn Campbell
chewy15150@yahoo.com

Re: Petition for Public Records Disclosure Order
Oregon Housing and Community Services
DOJ File No.: 914001-GA0163-26

Dear Ms. Campbell:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, 192.311 to 192.431. Your petition asks the Attorney General to order Oregon Housing and Community Services (OHCS) to waive its fees to produce records pertaining to a grantee. For the reasons discussed below, we respectfully deny the 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). Even if waiving or reducing the fee is in the public interest, agencies have discretion whether or not to grant such waivers or reductions. *See In Defense of Animals v. OHSU*, 199 Or App 160, 189 (2005). However, an agency's decision to deny a fee waiver or reduction must be reasonable under the totality of the circumstances. *Id*. at 190. Any person denied a fee waiver or reduction by a state agency may petition the Attorney General for review. ORS 192.324(6). The agency carries the burden to sustain its decision. ORS 192.411(1).

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Your petition stems from a request to OHCS seeking "any and all" emails, correspondence, reports, compliance-monitoring materials, and audits relating to the Deer View Cooperative project for an 11-month period. OHCS requested that you narrow or clarify the request because a preliminary search revealed a large number of responsive records and because portions of the requested categories (including audit reports) implicate materials likely exempt under ORS 192.355(24). You declined to further narrow your search and submitted an application seeking a fee waiver.

In connection with your petition, we contacted Janell Saavedra with OHCS's Information Services Division. She indicated that OHCS located more than 630 communications (not including attachments) that were responsive to your request, each requiring individual review and redaction, including redactions under ORS 192.355(24) for exempt financial and compliance-monitoring information. After considering the public interest justification you provided, OHCS denied your fee waiver request based on the character of the public interest and the burden on the agency.

Your petition asserts that the requested records concern oversight of a project that received over two million in state grant funding. You characterize your request as noncommercial and undertaken solely for the purpose of public transparency, arguing that disclosure would allow public monitoring of regulatory compliance and financial oversight. You also state that you plan to share any obtained records with advocacy networks, community groups, and independent media.

Agencies considering a request for a fee waiver or reduction must first determine whether making the records available primarily benefits the general public. *See* ORS 192.324(5). The furnishing of public records primarily benefits the public when its greatest utility is to the community or society as a whole. *See In Defense of Animals v. OHSU*, 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). 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*.

We conclude that OHCS acted reasonably in evaluating your request. Although monitoring the use of state grant funds is a matter of general public concern, you do not identify any specific circumstances suggesting that the Deer View Cooperative requires any heightened scrutiny. Moreover, the records OHCS could potentially produce would not necessarily serve the financial-monitoring interest you have described. Many of the records would likely fall within ORS 192.355(24)'s exemption for audits and other materials obtained by OHCS in connection with its monitoring of housing or other developments. Thus, the public interest in the remaining disclosable records is limited.

The burden on OHCS is substantial. OHCS identified hundreds of responsive communications, each requiring review for exempt material. You declined OHCS's request to narrow the scope or refine your search terms. Furthermore, the information you have provided does not show that you currently have the ability to meaningfully disseminate the records to the general public. You state that you plan to share your findings with advocacy groups and the media. This speculative, contingent dissemination is not sufficient to demonstrate your own ability to reach the public.[1]

Considering the relevant factors including the public interest in the potentially disclosable records, the substantial burden on OHCS, and your limited capacity to disseminate the information, we conclude that OHCS acted reasonably and within its discretion in denying your fee waiver request. We therefore respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

DEP:pjn
c via e-mail only: Janell Saavedra, Oregon Housing and Community Services

[1] *See* Public Records Order, Aug 31, 2020, Ranweiler (finding "no basis to conclude that [record petitioner's] plan to post documents online will reach any significant segment of the public"); *see also Judicial Watch, Inc. v. Rossotti,* 326 F3d 1309 (DC Cir 2003) (contrasting sufficient and insufficient demonstrations of ability to disseminate information to public).