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

September 24, 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-GA0184-26

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 find that the fee estimate provided by Oregon Housing and Community Services (OHCS) in response to your records request was unreasonable and amounts to a constructive denial of your request. 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. ORS 192.324(4); *see In Defense of Animals v. OHSU*, 199 Or App 160, 182-83 (2005) (fees were not reasonable where OHSU could not justify why professional staff were needed to redact basic information such as company names). 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).

///

///

///

Your petition stems from an initial 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. 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. You then petitioned the Attorney General to order OHCS to waive its fees to produce records, but we concluded that OHCS acted reasonably and within its discretion in denying your fee waiver request and denied your previous petition.

Following that order, you agreed to narrow your request to "any and all internal or external correspondence" regarding Deer View Cooperative during the same 11-month period. OHCS then provided you with a fee estimate of $5,925.00 for the cost to process your request.

To evaluate whether OHCS constructively denied your request by estimating this fee, we contacted Janell Saavedra with OHCS's Information Services Division. She indicated that OHCS initially provided a lower fee estimate based on the original search for records, which preliminarily located more than 630 communications (not including attachments) that were responsive to your request. However, OHCS then discovered that this search had failed partway through, resulting in an incomplete search and an incorrect fee estimate. She stated that, after completing the search properly, the actual number of records responsive to your request is 3,456 communications (not including attachments), each requiring individual review and redaction, including redactions under ORS 192.355(24) for exempt financial and compliance-monitoring information. She also explained that, despite efforts to further narrow the request, this search was based on the only term that you offered ("Deer View Cooperative") appearing in all communications over an 11-month period.

Further, she explained that this increase in the volume of responsive records and corresponding cost increase was communicated to you. In describing how the fee estimate was calculated to recoup these actual costs, she provided the following:

- OHCS waives the first half hour of staff time and charges a clerical rate of $25 per hour of staff time (the lowest rate available), regardless of who compiles or reviews the records;
- OHCS estimates that it is, on average, able to review 15 email communications (with attachments) per hour;
- With 3,456 records at 15 records per hour, this amounts to 230.4 hours of staff time to review the records;
- OHCS estimates that it will require staff with particularized expertise in these records to spend an additional 7 hours reviewing records, but still at the clerical rate; and
- A clerical rate of $25 per hour over 237 hours amounts to an actual cost of $5,925.00.

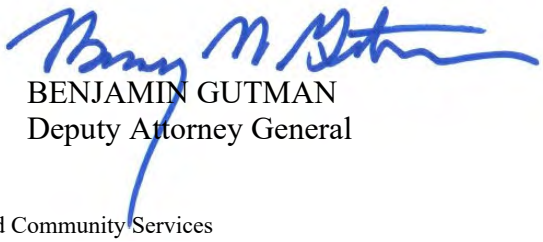
Your petition asserts that this fee estimate is a constructive denial of your request because OHCS is running an over-inclusive search by using one key phrase: "Deer View Cooperative."

In addition, your petition takes issue with the fact that OHCS produced several fee estimates in different amounts (including one based on an estimate of 630 responsive communications) before sending you the current $5,925.00 fee estimate.

However, OHCS has sufficiently explained how its fee was reasonably calculated to recover its actual cost to compile and review the requested records, and there is no evidence that OHCS deviated from its standard procedure in charging for this time. Additionally, as noted above, this current fee estimate is based on a corrected search for records that resulted in 3,456 communications (not including attachments), each requiring individual review and redaction, including redactions under ORS 192.355(24) for exempt financial and compliance monitoring information. All staff time to perform this review is charged at OHCS's lowest rate. Moreover, we find that OHCS's efforts to search for records within an expansive time period using the one key term that you provided to OHCS was not unreasonable. As a result, the total amount of the fee does not seem disproportionate to the scope of the records request.

We therefore conclude that OHCS's fee was not a constructive denial of your records request and respectfully deny your petition.

Sincerely,



BENJAMIN GUTMAN
Deputy Attorney General

KG9:pjn
c via e-mail only: Janell Saavedra, Oregon Housing and Community Services