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November 10, 2026

VIA E-MAIL ONLY: antoniop23@gmail.com

Antonio C. Pirog
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Re: Petition for Public Records Order
Oregon State Bar
DOJ File No.: 137048-GA0001-26

Dear Mr. Pirog:

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 State Bar (OSB) to waive the fees associated with producing records to you. You also challenge the amount of the fee quoted by OSB. 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 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)–(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*. 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).

You submitted a multi-part records request to OSB for various kinds of OSB records that relate to a lawyer who you retained and his law firm. In connection with that request, you asked OSB to waive any processing fees. OSB denied your fee waiver request after concluding that your fee waiver request had not met the public interest threshold.

You state that "reduction or waiver of fees is requested because disclosure of these regulatory records primarily benefits the general public by ensuring accountability, regulatory oversight, and transparency in professional legal licensing." You make no mention of whether you have the ability to meaningfully disseminate the records to the general public.

We reviewed the correspondence between you and OSB pertaining to your records request. You requested five categories of records, all pertaining specifically to a lawyer who you have a pending bar complaint regarding. Based on the record before us, we cannot conclude that OSB unreasonably denied your fee waiver. We do not perceive any particular public interest in the OSB records of a lawyer against whom you have a bar complaint. Furthermore, the information you have provided does not show that you currently have the ability to meaningfully disseminate the records to the general public. We therefore conclude that OSB's fee-waiver decision was reasonable, and we respectfully deny this portion of your petition.

We turn next to your argument that OSB's estimated fee of $ 453.92 constitutes a constructive denial of your 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 does not have the authority to review the reasonableness of a fee estimate, the Attorney General may evaluate claims that "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." *Attorney General's Public Records & Meetings Manual* 18 (2024). This evaluation requires the public body to explain how it calculated its fee.

Your records request to OSB seeks five separate categories of records within a ten-year time period. Some of the requests are quite broad. OSB states that it conducted a preliminary search in response to your requests, which generated approximately 1,500 pages of records. OSB indicates that those records need to be reviewed and redacted to segregate exempt material. OSB calculated the fee based on a projection of OSB personnel time required to conduct this work. Based on our review of the estimate, OSB's fee appears reasonably calculated to recoup OSB's actual costs of processing your request, and we cannot conclude that OSB has constructively denied your request. The fee does not appear excessive given the breadth of your request. For these reasons, we respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

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c via e-mail only: Nikhil Chourey (OSB)