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November 20, 2026

VIA E-MAIL ONLY: jthompson97233@hotmail.com

Jimmy Thompson
jthompson97233@hotmail.com

Re: Petition for Public Records Disclosure Order
Oregon Government Ethics Commission
DOJ File No.: 199200-GA0254-26

Dear Mr. Thompson:

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 the Oregon Government Ethics Commission (OGEC) to waive its fee to produce copies of certain records.

Your petition stems for a request to OGEC for copies of a specific advice letter and records pertaining to a specific complaint. OGEC explained to you where some records were already available online and quoted you a $9.50 processing fee to provide those publicly available records and to provide a few additional documents. You requested a waiver of the fee waiver, which was denied by the agency.

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).

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 reviewed the materials you submitted, and we contacted OGEC's Executive Director concerning your petition. She indicated that OGEC considered your fee-waiver request and denied it because the request did not provide sufficient information to demonstrate how disclosure of the records would serve the public interest or how you could meaningfully disseminate the information to the public. She noted that the principal records sought, including the advisory opinion and ethics case records, are already publicly available on OGEC's website at no cost and have been publicly available for several years. She also noted that the materials you submitted with the petition appeared to indicate that your request is connected to your personal interest in litigation.

After considering the relevant factors including the public interest in the potentially disclosable records and your ability to disseminate the information, we conclude that OGEC 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: Susan Myers (OGEC)