PETITION FOR A PUBLIC RECORDS ORDER: SPECIAL DISTRICTS ASSOCIATION OF OREGON

TO	Marion County District Attorney
FROM	Robert Samuel White, P.O. Box 334, Reedsport, Oregon 97467
DATE	November 4, 2026
RE	Petition under ORS 192.415, ORS 192.411, ORS 192.324(6), and ORS 192.407; Special Districts Association of Oregon; public records request of October 31, 2026

To the District Attorney:

I petition for a Public Records Order under ORS 192.415, ORS 192.411, ORS 192.324(6), and ORS 192.407. The Special Districts Association of Oregon is a public body other than a state agency, with its offices in Salem, in Marion County. The District Attorney of Marion County carries out the functions of the Attorney General for it [ORS 192.415(1)(a)].

The Special Districts Association of Oregon has denied my public records request of October 31, 2026 with a fee. It priced a search for two Oregon State Police accounts and five terms at $236 an hour, $944 in all, to be paid by check, and cleared, before its Assistant General Counsel runs the search. The fee is a constructive denial. It did not decide the fee waiver my request asked for. The burden is on the Special Districts Association of Oregon to sustain its action [ORS 192.411(1)].

THE PETITION

- **Petitioner:** Robert Samuel White, P.O. Box 334, Reedsport, Oregon 97467, rsw@rswfire.com.
- **Public body:** Special Districts Association of Oregon, P.O. Box 12613, Salem, Oregon 97309.
- **Records:** All communications sent to or received from two Oregon State Police accounts, through any channel the Special Districts Association of Oregon uses (emails, Microsoft Teams chat and channel messages, text messages, and voicemail), Captain Kyle Kennedy, Government and Media Relations (kyle.kennedy@osp.oregon.gov), and the OSP Public Information Officer (osppio@osp.oregon.gov), that contain any of five terms: “threat assessment,” “situational awareness,” “welfare check,” “knock and talk,” and “grievance,” from January 1, 2023, to the date of search, with the records of the search run to answer the request.[1]
- **Requested:** October 31, 2026, at 10:04 PM, by email to memberservices@sdao.com.[1]
- **Denied by:** the Assistant General Counsel, Special Districts Association of Oregon.[3]

THE FEE IS A CONSTRUCTIVE DENIAL

The request names two accounts, five terms, and one date range.[1] Every account the search covers is the Special Districts Association of Oregon’s own.

On November 4, 2026, at 10:39 AM, its Assistant General Counsel wrote: “Please allow this email to confirm that your request has been received and will be processed. I will provide you with a cost estimate in the near future.”[2] At 12:39 PM, he sent it: “The hourly rate for the search, and review of the requested

materials is $236 per hour. It is anticipated that it will take 4 hours to perform the search and review. This totals $944."[3] The money comes first: "Once the payment is received and it has cleared, I will move forward with the search. Please make the check payable to SDAO and you can send it to my attention."[3]

The estimate names no system, no account, no query, and no count of records. It gives one rate and one total for two tasks. My request asked for "an itemized estimate before any work begins, showing the tasks, the hours for each, and the hourly rate of the employee performing each," and for redaction time "separately from search and production time."[1] The estimate gives neither.

The rate is for "the search," and the search is his: "I will move forward with the search."[3] The law names the work for which an attorney's time may be charged, and search is not among it [ORS 192.324(4)(b)]:

> *The public body may include in a fee established under paragraph (a) of this subsection the cost of time spent by an attorney for the public body in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records. The public body may not include in a fee established under paragraph (a) of this subsection the cost of time spent by an attorney for the public body in determining the application of the provisions of ORS 192.311 to 192.478.*

A fee is "reasonably calculated to reimburse the public body for the public body's actual cost of making public records available" [ORS 192.324(4)(a)]. The same request went to every state agency. On November 4, 2026, the State Library of Oregon answered it: "As the search took less than 30 minutes, there is no fee for this request."[4] The same day, the Department of Energy produced the emails it found, and asked for no fee.[5] The Special Districts Association of Oregon priced the same search at four hours of an attorney's time.

The Attorney General's manual states the test:

> *While there is no provision in the Public Records Law that authorizes a person to petition the Attorney General to review the reasonableness of an agency's fees, state courts do possess this authority. And the Attorney General's authority to enforce the inspection provisions of the Public Records Law may require evaluation of an agency's fees 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. This evaluation typically requires the public body to explain how it calculated its fee.*[6]

The nature of the request is one search of the Special Districts Association of Oregon's own accounts. It priced that search at $944, at an attorney's rate, payable by check before the search is run. A fee set at that price for that work is a denial of the request.

THE WAIVER WAS REQUESTED AND NOT DECIDED

My request asked for a waiver of all fees under ORS 192.324(5), on five grounds set out in full: my identity as the requester, the purpose, the character of the information, the public domain, and my ability to disseminate. It states: "I have no commercial interest in them." It asks, if the waiver is denied, for a reduction, and for "the reasons in writing for each factor."[1]

The estimate does not mention the waiver.[3] It demands the fee, by check, before any work. It states no public interest, no burden, and no reduction.

The Attorney General's manual states that "public bodies should promptly consider requests for fee waiver."[7] It states that the decision considers "(1) the character of the public interest in the particular disclosure, (2) the extent to which the fee impedes that public interest, and (3) the extent to which a waiver would burden the public body," and that public bodies "should also determine whether a more modest fee reduction is appropriate."[8] [9] A demand for the full fee before any work, on a request that asked for a waiver, is a denial of the waiver [ORS 192.324(6)].

THE PUBLIC INTEREST

The Government and Media Relations section of the Oregon State Police is its press office. The records requested show whether the Special Districts Association of Oregon writes to it, and what about.

Public bodies already write to it, on one list, under one of the five terms. On November 4, 2026, the Department of Energy produced four emails from that list, each addressed to Captain Kyle Kennedy and to staff of dozens of state agencies.[5] On June 24, 2025, the Department of Emergency Management wrote to the list: "Good morning Everyone, for situational awareness, the Oregon Department of Emergency Management has issued a news release."[5] On October 1, 2025, the Oregon Parks and Recreation Department wrote to it: "I don't have anything to report for Oregon Parks and Recreation Department. Just here for situational awareness."[5]

On March 3, 2026, OPRD Emergency Manager Jamen Lee sent my letters to Captain Kyle Kennedy, copying OPRD's Deputy Director. His email gave one reason: "Fyi - sharing for situational awareness since he is now including the Governor as well as our Director."[10] It named no crime and no threat. Oregon State Police opened a "threat assessment" anyway.[11]

On March 6, 2026, at 1:14 PM, their detective, a Task Force Officer with the Portland FBI Joint Terrorism Task Force, reported that he had found nothing: "I wanted to update you on what I was able to learn from my end, it wasn't much unfortunately."[10] At 2:21 PM, OPRD sent him more: the dismissal letter, OPRD's "timeline of events," and a February 2026 email chain.[10]

On March 23, 2026, Oregon State Police opened its event: "Threat assesment investigation for a former State Parks volunteer who was terminated from position and not is sending concerning emails," a claim that names no email, quotes no sentence, and states no concern, "to former supervisors in parks department and publicly airing grievances."[12] On that, it named me "Suspect."[12] Its own event gives its basis in two acts, and both are speech: writing to the officials of a state agency, and speaking in public.

On March 24, 2026, two state detectives came to the Siltcoos Work Center, the Forest Service facility where I live and work, through a locked gate posted against public access, for a "knock and talk" that depends on public access. The District Ranger wrote that "OSP does not have keys to Forest Service gates, work centers, or other secured facilities," and that the Forest Service's officer "accompanied them solely to facilitate entry and ensure they reached the correct location."[13] I answered the door, said I would not speak without an attorney, and shut it.[11]

On April 15, 2026, Oregon State Police closed its file: "there is no evidence White has committed any crimes." The file stays: "Case and assessment to be documented for information only at this time."[11] That file violates ORS 181A.250:

> *No law enforcement agency, as defined in ORS 181A.010, may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.*

Writing to a public body and speaking in public are protected by Article I, sections 8 and 26 of the Oregon Constitution and by the First Amendment to the United States Constitution. Every special district in Oregon is a public body that members of the public write to. Whether the association that serves them writes to the state police press office about those members of the public, and under what words, is what this request asks.

A public body that answers that question with an attorney's invoice, payable in advance, has answered it with a denial.

RELIEF REQUESTED

I ask the District Attorney to order the Special Districts Association of Oregon to:

1. Sustain its fee: state how it calculated $944, in tasks, hours, and rates, whose time each is, and the search those hours are for [ORS 192.411(1); ORS 192.415(1)].
2. Remove from any fee the cost of an attorney's time for any work other than reviewing, redacting, or segregating the records [ORS 192.324(4)(b)].
3. Produce the records within seven days, the fee being a constructive denial of my request [ORS 192.411(1); ORS 192.407(3)(a)].
4. Waive the fee [ORS 192.324(6); ORS 192.407(3)(c)].
5. Pay the penalty of $200 for failing to respond to the fee waiver my request asked for [ORS 192.407(3)(b)].

Every record of this request, and this petition, is published at openrecordsoregon.org. The order will be published beside them.

Respectfully,

Robert Samuel White
rswfire.com
openrecordsoregon.org
autonomyrealms.com

Sources

1. My request, October 31, 2026
2. The Special Districts Association of Oregon's letter, November 4, 2026, 10:39 AM
3. The Special Districts Association of Oregon's estimate, November 4, 2026, 12:39 PM
4. The State Library of Oregon's letter, November 4, 2026
5. The Department of Energy's production, November 4, 2026
6. Attorney General's Public Records and Meetings Manual (2024), p. 18
7. Attorney General's Public Records and Meetings Manual (2024), p. 12

8. Attorney General's Public Records and Meetings Manual (2024), p. 20
9. Attorney General's Public Records and Meetings Manual (2024), p. 21
10. The Oregon State Police production, PR27478, September 3, 2026: the electronic communications
11. The Oregon State Police production, PR27478: report SP26096984
12. The Oregon State Police production, PR27478: CAD record SP26096984
13. The District Ranger's letter, July 24, 2026, Exhibit 26 of my supplemental filing