PETITION FOR A PUBLIC RECORDS ORDER: OREGON SCHOOL BOARDS ASSOCIATION

TO	Oregon Department of Justice, Public Records Orders
FROM	Robert Samuel White, P.O. Box 334, Reedsport, Oregon 97467
DATE	November 6, 2026
RE	Petition under ORS 192.411, ORS 192.324(6), and ORS 192.407; Oregon School Boards Association; public records request of October 31, 2026

To the Attorney General:

I petition for a Public Records Order under ORS 192.411, ORS 192.324(6), and ORS 192.407. The Oregon School Boards Association has denied my public records request of October 31, 2026 with a fee. It confirmed it holds records, priced the search for them at $276.30, and requires a check before it begins. The fee is a constructive denial. It did not decide the fee waiver my request asked for. The burden is on the Oregon School Boards Association 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:** Oregon School Boards Association, 1201 Court St NE, Suite 400, Salem, Oregon 97301.
- **Records:** All communications sent to or received from two Oregon State Police accounts, through any channel the Oregon School Boards Association 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 9:15 PM, by email to info@osba.org.[1]
- **Denied by:** the Senior Executive Assistant and Board Liaison, Oregon School Boards Association.[2]

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 Oregon School Boards Association’s own.

On November 6, 2026, at 10:48 AM, it wrote that my request was “made on Nov. 2, 2026.” I sent it on October 31, 2026.[1] It wrote: “At this time, OSBA can confirm that it is the custodian of some of the requested records.”[2] In the next paragraph, it wrote: “To process your request, OSBA requires that you pay the estimated fee shown below.”[2]

The estimate has two lines:

> *Professional time: $214.16 (Search and location of potentially responsive records (email, Teams, text, voicemail, attachments; multi-year date range; multiple accounts/locations) 2 hours at $107.08 per hour)*
>
> *Clerical time: $62.14 (Administrative support for compilation, redaction, and export 1 hour at $62.14 per hour)*
>
> *Total due: $276.30.*[2]

The money comes first, by "transmitting a check to OSBA" at its address in Salem: "Once OSBA has received your prepayment, it will begin processing your public records request."[2] The total is not a limit: "If the actual cost of processing your request is more than the prepayment, you will be required to pay the difference before records will be provided to you."[2] The request ends if I do not pay: "If prepayment is not received within 60 days of the date of this letter, OSBA will close your public records request."[2]

The estimate names no system, no query, and no count of records. It charges two hours to locate "potentially responsive records" in the same letter that confirms custody of them. My request asked for redaction time "separately from search and production time," with "the hours and the hourly rate of the employee performing it."[1] The estimate puts redaction, compilation, and export in one hour.[2]

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)]. Learning whether records exist makes no record available. ORS 192.329(3)(a) suspends a public body's obligation to complete its response only when it has informed the requester "of a fee permitted under ORS 192.324 (4)." A fee that is not calculated from actual cost suspends nothing. The Oregon School Boards Association's obligation to complete its response "as soon as practicable and without unreasonable delay" stands [ORS 192.329(1)], and it has not completed it [ORS 192.407(1)(c)].

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.*[3]

The nature of the request is one search of the Oregon School Boards Association's own accounts. It priced that search before running it, with no limit on the total, payable by check before it begins, and wrote that the request closes if I do not pay. A fee that ends the request is a denial of the request.

THE PUBLIC BODIES THAT COMPLIED

This request went to every public body on the record. The requests of October 27, 2026 asked for email; the requests of October 31, 2026 asked for every channel, with the records of the search. These public bodies have answered, and I have accepted their answers. None of them asked for a fee.

Records produced:

- **Department of Energy,** November 4, 2026: it produced the emails it found, and wrote the next day: "There were only four emails responsive to the request."[7] [12]

- **Oregon Housing and Community Services,** November 3, 2026: it searched with Microsoft Purview eDiscovery and produced seventeen Teams messages, with the reports of its search.[13]
- **Department of Veterans' Affairs,** November 5, 2026: it produced the records it found by email, with the reports of its search.[14]

No records, on a search:

- **Columbia River Gorge Commission,** October 29, 2026: "the search returned 0 results."[15]
- **Department of Revenue,** October 29, 2026: "we were unable to locate any records responsive to your request."[16]
- **Oregon Department of Education,** October 29, 2026: "We ran a search and have determined that we do not possess the requested records."[17]
- **Department of Consumer and Business Services,** October 30, 2026: its Windows Administrator searched its emails and attachments: "We were unable locate any records responsive to your request."[18]
- **Division of Financial Regulation,** October 30, 2026: answered in the same letter.[18]
- **Building Codes Division,** November 2, 2026: "The response provided on October 30, 2026 encompasses all divisions of the Department of Consumer and Business Services (DCBS)."[19]
- **Oregon Occupational Safety and Health Division,** November 2, 2026: "We do not have any records responsive to your request."[20]
- **Employment Department,** November 2, 2026: its IT department collected about 25 to 30 communications with the two accounts: "None of the emails or Teams messages contained any of those terms."[21]
- **Oregon Film Office,** November 2, 2026: "All staff members have now performed a search on the two email addresses."[22]
- **Northwest Power and Conservation Council,** November 2, 2026: "We have no records that are responsive to your request."[23]
- **Department of Environmental Quality,** November 3, 2026: "I ran an eDiscovery search across all agency mailboxes and there were 0 results."[24]
- **Department of Public Safety Standards and Training,** November 3, 2026: it searched with Microsoft Purview eDiscovery: "no record(s) responsive to your request."[25]
- **Oregon Commission for the Blind,** November 3, 2026: it searched with Microsoft Purview eDiscovery: "Our search did not identify any responsive records."[26]
- **Oregon Board of Naturopathic Medicine,** November 5, 2026: its Executive Director searched its files: it "does not hold / possess any records responsive to your request."[27]

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 letter does not mention the waiver.[2] 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."[4] 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."[5] [6] 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 Oregon School Boards Association 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.[7] 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."[7] 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."[7]

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."[8] It named no crime and no threat. Oregon State Police opened a "threat assessment" anyway.[9]

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."[8] At 2:21 PM, OPRD sent him more: the dismissal letter, OPRD's "timeline of events," and a February 2026 email chain.[8]

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."[10] On that, it named me "Suspect."[10] 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."[11] I answered the door, said I would not speak without an attorney, and shut it.[9]

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."[9] 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 school board 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 a prepayment, by check, before it searches, has answered it with a denial.

RELIEF REQUESTED

I ask the Attorney General to order the Oregon School Boards Association to:

1. Sustain its fee: state how it calculated $276.30, in tasks, hours, and rates, whose time each is, and the search those hours are for [ORS 192.411(1)].
2. Produce the records within seven days, the fee being a constructive denial of my request [ORS 192.411(1); ORS 192.407(3)(a)].
3. Waive the fee [ORS 192.324(6); ORS 192.407(3)(c)].
4. Pay the penalty of $200 for failing to respond to the request [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 Oregon School Boards Association's letter, November 6, 2026, 10:48 AM
3. Attorney General's Public Records and Meetings Manual (2024), p. 18
4. Attorney General's Public Records and Meetings Manual (2024), p. 12
5. Attorney General's Public Records and Meetings Manual (2024), p. 20
6. Attorney General's Public Records and Meetings Manual (2024), p. 21
7. The Department of Energy's production, November 4, 2026
8. The Oregon State Police production, PR27478, September 3, 2026: the electronic communications
9. The Oregon State Police production, PR27478: report SP26096984
10. The Oregon State Police production, PR27478: CAD record SP26096984

11. The District Ranger's letter, July 24, 2026, Exhibit 26 of my supplemental filing
12. The Department of Energy's letter, November 5, 2026
13. The production, Oregon Housing and Community Services, November 3, 2026
14. The Department of Veterans' Affairs' line on the record
15. The Columbia River Gorge Commission's letter, October 29, 2026
16. The Department of Revenue's letter, October 29, 2026
17. The Oregon Department of Education's letter, October 29, 2026
18. The Department of Consumer and Business Services' letter, October 30, 2026
19. The Building Codes Division's letter, November 2, 2026
20. The Oregon Occupational Safety and Health Division's letter, November 2, 2026
21. The Employment Department's letter, November 2, 2026
22. The Oregon Film Office's letter, November 2, 2026
23. The Northwest Power and Conservation Council's letter, November 2, 2026
24. The Department of Environmental Quality's letter, November 3, 2026
25. The Department of Public Safety Standards and Training's letter, November 3, 2026
26. The Oregon Commission for the Blind's letter, November 3, 2026
27. The Oregon Board of Naturopathic Medicine's letter, November 5, 2026