PETITION FOR A PUBLIC RECORDS ORDER: DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES

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; Department of Geology and Mineral Industries; public records request of October 27, 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 Department of Geology and Mineral Industries, a state agency, has denied my public records request of October 27, 2026 with a fee. It asked a few staff members to search their own email, and it priced the search of its accounts at $164 an hour, with no hours and no total. It wrote that it is unable to waive that cost. The fee is a constructive denial. The burden is on the Department of Geology and Mineral Industries 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:** Department of Geology and Mineral Industries, 229 Broadalbin St SW, Albany, Oregon 97321.
- **Records:** All emails, including attachments and replies, sent to or received from kyle.kennedy@osp.oregon.gov or osppio@osp.oregon.gov that contain any of the terms “threat assessment”, “situational awareness”, “welfare check”, “knock and talk”, or “grievance”, from January 1, 2023, to the date of search. The request excludes any record concerning me.[1]
- **Requested:** October 27, 2026, at 12:39 PM, by email to dogami-info@dogami.oregon.gov and DGMI_DL_publicrecordsrequest@dogami.oregon.gov.[1]
- **Denied by:** the Office Operations Assistant, Department of Geology and Mineral Industries.[2]

THE FEE IS A CONSTRUCTIVE DENIAL

The request is one search: two addresses, five terms, and one date range.[1]

On October 27, 2026, at 1:05 PM, twenty-six minutes after my request, the Department of Geology and Mineral Industries wrote: “To my knowledge the Oregon Department of Geology and Mineral Industries does not have records responsive to your request.”[28] The letter names no system, no terms, and no search. On October 30, 2026, I asked how the search was done.[29]

On November 5, 2026, at 4:31 PM, it answered that “key staff members most likely to have received such communications were asked to search their e-mail records.”[2] It wrote:

> *If you would like a more comprehensive search to identify additional communications that may not have been captured through the searches described above, DOGAMI would need to engage a trusted third-party e-mail service. The service is quoted at an estimated $164 per hour. Because this search would require the use of an outside service, I am unable to waive or discount the associated costs.*[2]

The letter states a rate. It states no hours and no total. It asks whether I want it "to proceed with obtaining a quote for the third-party search."[2] My request asked for the hours and the hourly rate of the employee performing the work.[1]

The same evening, I wrote that asking a few people to search their own mailboxes is not the search my request asks for, that its email runs on the State of Oregon's Microsoft 365, the system the public bodies listed below searched themselves, and that Enterprise Information Services runs it for the state.[30] It has not answered.

ORS 192.324(4)(c) reads:

> *The public body may not establish a fee greater than $25 under this section unless the public body first provides the requester with a written notification of the estimated amount of the fee and the requester confirms that the requester wants the public body to proceed with making the public record available.*

A rate is not an estimated amount. ORS 192.324(4)(a) permits fees "reasonably calculated to reimburse the public body for the public body's actual cost of making public records 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 with no amount suspends nothing. The Department of Geology and Mineral Industries'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 Department of Geology and Mineral Industries's own accounts. The search of those accounts stands behind a quote at a rate it writes it cannot waive. A request that cannot move without that agreement is denied.

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 Fish and Wildlife,** November 6, 2026: it produced six Oregon State Police weekly reports addressed to Captain Kyle Kennedy.[31]
- **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 DENIED WITHOUT A DECISION

My request gave the case for the waiver under each factor the Attorney General's manual lists: the requester's identity, the purpose, the character of the information, whether it is already in the public domain, and the ability to disseminate it.[1] [5] The Department of Geology and Mineral Industries's answer is one sentence: "Because this search would require the use of an outside service, I am unable to waive or discount the associated costs."[2] It names no factor.

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] The Department of Geology and Mineral Industries has stated no public interest, no burden, and no reduction. That 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 Department of Geology and Mineral Industries 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. The Department of Geology and Mineral Industries is a public body that members of the public write to. Whether it writes to the state police press office about them, and under what words, is what this request asks.

A public body that answers that question with an hourly rate and no total has answered it with a denial.

RELIEF REQUESTED

I ask the Attorney General to order the Department of Geology and Mineral Industries to:

1. Sustain its fee: state the amount, in tasks, hours, and rates, whose time each is, and the search those hours are for [ORS 192.411(1)].
2. Run the search across every account of the Department of Geology and Mineral Industries, and 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 27, 2026
2. The Department of Geology and Mineral Industries's letter, November 5, 2026, 4:31 PM
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
28. The Department of Geology and Mineral Industries's letter, October 27, 2026, 1:05 PM
29. My letter, October 30, 2026
30. My letter, November 5, 2026
31. The Department of Fish and Wildlife's production, November 6, 2026