PETITION FOR A PUBLIC RECORDS ORDER: DEPARTMENT OF STATE LANDS

TO	Oregon Department of Justice, Public Records Orders
FROM	Robert Samuel White, P.O. Box 334, Reedsport, Oregon 97467
DATE	November 10, 2026
RE	Petition under ORS 192.411, ORS 192.324(6), and ORS 192.407; Department of State Lands; my public records requests of October 27 and November 3, 2026

To the Attorney General:

I petition for a Public Records Order under ORS 192.411, ORS 192.324(6), and ORS 192.407 against the Department of State Lands, a state agency. On October 27, 2026, I asked the Department of State Lands for its email with two accounts of the Oregon State Police: Captain Kyle Kennedy of the Government and Media Relations section, and that section's Public Information Officer.[1] On November 3, I asked for the same communications through Microsoft Teams, text messages, and voicemail.[2] Both requests exclude any record concerning me, and both carry a fee waiver request. From October 27 to November 10, 2026, the Department of State Lands sent me nine letters. It has not produced one record.

Its own search found the records. On November 6, 2026, at 12:50 PM, the Department of State Lands sent me the reports of its Microsoft Purview search: 18 Teams messages in four of its own mailboxes, each with Captain Kennedy among its participants and one of my five terms in it. In the letter that carried those reports it wrote: "DSL is not the custodian of, and does not possess, records responsive to the above request."[3] At 12:54 PM its Deputy Director of Administration, Caiti Hudson, denied the fee waiver on those messages, writing that "fulfilling that portion of the request is expected to require a substantial expenditure of agency resources."[4] The report gives the beginning and the end of their export as the same minute. On November 10 she kept the denial "for the reasons previously provided."[5] Those reasons were written at 12:54 PM on November 6. My fee waiver request, a letter answering the eight questions of the State's form, went at 3:49 PM that day.[6] The form the Department of State Lands signed says, at its foot: "Each request will be considered on a case-by-case basis, based on the information provided by the requester and the totality of the circumstances at the time of the request."[4] The policy behind the form says: "Previous requests and evaluations will not be considered as part of the evaluation."[7] The Department of State Lands decided my request on its own earlier words, and on none of mine.

Before its search found the messages, the Department of State Lands declared its response complete on a search that was not my search, pointed me to the Oregon State Police for its own email, asked me to confirm the opposite of what my request says, wrote that I had asked a question I never asked, answered my request for its search results with a picture of my own request, and asked me for a fee waiver request it already had. After its search found them, it called my first request "fulfilled." No search it ran covered all the email that request asks for. There are no words that will satisfy the Department of State Lands to produce records it does not want to produce. The Department of State Lands is acting in bad faith, and I ask the Attorney General to find so. In 2,763 orders since January 1981, this office has never once found that a public body acted in bad faith. If this record does not meet that standard, no record a requester can obtain ever will. The burden is on the Department of State Lands 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 State Lands, 775 Summer St NE, Ste 100, Salem, Oregon 97301-1279.
- **First request:** October 27, 2026, at 1:31 PM, by email to Public-Records.Requests@DSL.Oregon.gov: 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, with a fee waiver request.[1]
- **Second request, Item 1, the records this petition concerns:** November 3, 2026, at 8:16 PM, by email to the same address: all communications, other than any record concerning me, sent to or received from those two accounts, through every channel the agency uses other than email (Microsoft Teams chat and channel messages, text messages, and voicemail), including attachments and replies, that contain any of the five terms, from January 1, 2023, to the date of search, with the records of the search conducted to answer it, and a fee waiver request.[2]
- **Fee waiver request, a letter answering the eight questions of the State's form:** November 6, 2026, at 3:49 PM. It is attached after the last page.[6]
- **Fee waiver denied:** November 6, 2026, at 12:54 PM,[4] and again on November 10, 2026, at 8:41 AM.[5]
- **Fee:** none stated. The Department of State Lands wrote that it would send an estimate for Item 1 "by close of business next Friday, November 13."[4]
- **Denied by:** Caiti Hudson, Deputy Director, Administration, Department of State Lands.[4] [5]

WHAT THE DEPARTMENT OF STATE LANDS DID WITH MY REQUESTS

October 27, 2026. I asked the Department of State Lands for "All emails, including attachments and replies, sent to or received from either of these Oregon State Police addresses" that contain any of five terms, from January 1, 2023, to the date of search. The request excludes any record concerning me. It asks the Department of State Lands to state in writing the accounts searched, the terms and the date range used, and the number of records found. It carries a complete fee waiver request, with a fact for each factor. [1]

October 30. The Department of State Lands acknowledged the request and wrote: "I will be in touch soon with any time/cost estimates that may be incurred with fulfilling this request, at which time you may submit a formal request for a waiver."[8] The request it acknowledged already held the waiver request. That night I wrote: "My request of October 27, 2026, is complete as sent, and it includes my fee waiver request, with a fact for each factor. There is nothing further to submit."[9]

November 2. The Department of State Lands wrote: "In accordance with ORS 192.329(2), this is to complete our response to your public records request." It wrote: "We are not the custodian of, and do not possess, the requested records." The search behind those sentences held four of my five terms; "knock and talk" was not among them. It searched after January 1, 2023, "(Date>2023-01-01)," not from it. It wrote: "Oregon State Police would be the custodian of any record that is in the form of an email to or from the OSP Public Information Officer and/or Captain Kyle Kennedy that does not include any DSL staff as a contact."[10] My request asks for no email without its staff on it. It asks for the Department of State Lands' own: "Records sent from or received by Department of State Lands accounts are records of the Department of State Lands, wherever they are stored."[1] The law says who holds them. A custodian is "A public body

mandated, directly or indirectly, to create, maintain, care for or control a public record" [ORS 192.311(2)(b)]. ""Public record" includes any writing that contains information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics" [ORS 192.311(5)(a)]. The Department of State Lands declared its response complete on a search short of my request, and sent me to the Oregon State Police for the Department of State Lands' own email. That evening I asked it to run the search with all five terms, from January 1, 2023, and tell me what it finds.[11]

November 3. The Department of State Lands asked: "To confirm for my next query, you wish for any emails that mention either OSP Public Information Officer or Captain Kyle Kennedy, either by name or email address, and not emails to or from them?" In the same letter it quoted my request: "All emails, including attachments and replies, sent to or received from either of these Oregon State Police addresses." It wrote that it would run "a second query tomorrow that leaves out the two OSP email addresses as included in either the to: or from: fields of Outlook."[12] The query it proposed searches for what my request does not ask for, and leaves out what it does. The law holds a public body to good faith when it questions a requester: "A public body may request additional information or clarification from a requester of public records for the purpose of expediting the public body's response to the request. If the public body has requested additional information or clarification in good faith, the public body's obligation to further complete its response to the request is suspended until the requester provides the requested information or clarification or affirmatively declines to provide that information or clarification" [ORS 192.329(4)(a)]. A question answered by the words it quotes does not expedite a response. I answered: "No." I wrote: "The words are plain. Read them as they are written."[13] That night I sent my second request: the same communications through Teams, text messages, and voicemail; the records of every search it had run for the first; and its communications about the first.[2]

November 4, 2:29 PM. The Department of State Lands wrote that it had named the Oregon State Police because "You had asked what other public agencies may have relevant records."[14] My request asks it to name another custodian only "If you believe another public body is the custodian of any responsive record."[1] The email it named the Oregon State Police custodian of is email my request does not ask for. It wrote that my second request "is much more in-depth" and that it had been "sent to the deputy director of administration for review of the fee waiver request."[14] By its own words the first request is the simpler one. It had held the first since October 27 and had not run the search it describes. I wrote: "Complete it: run the search with all five terms, from January 1, 2023, to the date of search, and send me its query and what it found."[15]

November 4, 3:59 PM. The Department of State Lands wrote: "Though your first request was simple." It wrote that the search it ran on November 3 "contained no records responsive to your request," and under that sentence it placed a screenshot. The screenshot is the "Records requested" and "Custody" paragraphs of my own request. The letter shows no count, no export, and no report, and its query still searched after January 1, 2023.[16] The statute reads: "A public body shall complete its response to a written public records request that is received by an individual identified in the public body's procedure described in ORS 192.324 as soon as practicable and without unreasonable delay" [ORS 192.329(1)]. I asked for the query as the system saved it, the mailboxes searched, the count of items, and the export or search report.[17]

November 6, 12:50 PM. The Department of State Lands sent the reports of its Microsoft Purview search, run that day with its IT Manager: the summary, the settings, the locations, and the items.[3] The case is named "Robert Samuel White PRR." The search is named "Email search 11-3-2026." Its query is the query of November 4 with one change, "(Date>2022-12-31)" in place of "(Date>2023-01-01)":[16]

> *(("threat assessment") (c:s) ("situational awareness") (c:s) ("knock and talk") (c:s) (grievance) (c:s) ("welfare check")) (c:c) (Date>2022-12-31) AND*
> *(((Participants:kyle.kennedy@osp.oregon.gov) OR (Participants:osppio@osp.oregon.gov)))*

It searched "All people and groups," with departed users and shared Teams channels included. It left out every item the system had not fully indexed: its settings report reads "Include partially indexed items," "FALSE."[3] My first request asks for "All emails, including attachments and replies."[1] The summary report counts 18 "Indexed items," the "Number of items matching the query." Four mailboxes of the Department of State Lands held them: six, six, three, and three. They are Teams messages from three meetings: the "Weekly Agency Comms Call" of June 24, 2025, the "Gov Comms Office Hours" of October 1, 2025, and the "Weekly Agency Comms Call" of May 15, 2026. The export collected them as 8 transcripts, and every one lists Captain Kennedy's address, kyle.kennedy@osp.oregon.gov, among its participants. The summary report gives the export's start time as "11/6/2026 19:58" and its end time as "11/6/2026 19:58."[3] Every one of the 18 meets the query the Department of State Lands described on November 4: one of the five terms, Captain Kennedy among the participants, and a date after January 1, 2023.[16]

In the letter that carried these reports, the Department of State Lands wrote: "DSL is not the custodian of, and does not possess, records responsive to the above request."[3] The 18 messages are in its own mailboxes. Item 1 of my second request, which it had held since November 4, asks for exactly these.[2] [14] Oregon Housing and Community Services produced seventeen Teams messages from the same three meetings, at the same times to the second, and the Water Resources Department produced messages from the same meetings, each with the reports of its search, and neither asked for a fee.[18] [19]

November 6, 12:54 PM. Deputy Director Hudson granted a partial fee waiver on Items 2 and 3 of my second request, the records of the searches and the communications about my first request. She denied it on Item 1, the Teams messages, the text messages, and the voicemail. She wrote that Item 1 "seeks communications involving specific Oregon State Police accounts across multiple record systems and is less directly related to public understanding of the Department's administration of public records," and that "fulfilling that portion of the request is expected to require a substantial expenditure of agency resources."[4] The Department of State Lands waived the fee on the reports of its search and denied it on the messages the search found. Its Teams search had been run, and its report sent to me, at 12:50 PM.[3] The letter carried the State's form, marked and signed on November 5, 2026, with no reason given for any mark, though my request asked: "If the waiver is denied or a reduction is granted in part, please give the reasons in writing for each factor."[4] [2] It wrote that an estimate for Item 1 would follow "by close of business next Friday, November 13," and the records for Items 2 and 3 "by close of business Tuesday, November 10."[4] At 2:01 PM I asked the deputy director the form's second question, in the terms of the State's own production.[20] At 3:49 PM I sent a fee waiver request answering all eight of the form's questions, in the form's order and in the form's words.[6]

November 9. The Department of State Lands wrote: "I have forwarded this fee waiver request to Deputy Director Hudson for review." It wrote: "The October 27, 2026 request was fulfilled without incurring a fee."[21] It produced no record on that request, and no search it ran covered all the email that request asks for. The search of November 2 left out "knock and talk" and January 1, 2023.[10] The search of November 3 left out January 1, 2023, and the Department of State Lands reported no count from it.[16] The search of November 6 left out every item the system had not fully indexed.[3] The law says when a response is complete: when the public body "Provides access to or copies of all requested records within the possession or custody of the public body that the public body does not assert are exempt from public disclosure, or explains where the records are already publicly available" [ORS 192.329(2)(a)]. Its last answer on that request was that it does not possess responsive records, sent with the report of 18 matching messages.[3]

November 10. Deputy Director Hudson wrote: "The Department reached a different conclusion regarding Item 1 for the reasons previously provided." She wrote: "While the Department is not in a position to evaluate or make determinations regarding the circumstances described in your email, we appreciate your explanation of the public interest you believe is served by the requested records."[5] The reasons previously provided were written at 12:54 PM on November 6, on my second request, before my fee waiver request of 3:49 PM that day existed. The State's policy requires a new evaluation of each request, on what the requester provides. It says requests "will be evaluated on a case-by-case basis based on" two things: "The information provided by the requester" and "The totality of circumstances at the time of the request." It says: "Previous requests and evaluations will not be considered as part of the evaluation."[7] The form she signed says the same at its foot.[4] The information I provided is my fee waiver request: eight answers, one to each of the form's questions, in the form's words.[6] Her letter answers none of them and does not mention the request. It returns to her own evaluation of November 6, the one the policy says will not be considered. My request does not ask the Department of State Lands about what was done to me. It excludes any record concerning me. It asks whether the Department of State Lands does the same thing.[2]

WHAT THE DEPARTMENT OF STATE LANDS HAS PRODUCED

From October 27 to November 10, 2026, I sent the Department of State Lands two public records requests, a fee waiver request answering the eight questions of the State's own form, and seven letters answering its letters. It sent me nine letters. Four of them told me it holds no responsive records. It ran its search three times, and no run covered all of my first request: the first left out a term and January 1, 2023, the second left out January 1, 2023, and the third left out every item the system had not fully indexed. The third found 18 messages. It asked me for a fee waiver request it already had, answered the one in my second request with marks and no reasons, and kept its denial on the one that answers the State's form, for reasons written before that request was sent. It has not produced one record.

What it holds is the only record of whether the Department of State Lands writes to the Government and Media Relations section of the state police about members of the public. Two other public bodies produced their copies of the same meetings without a fee. The Department of State Lands holds its copies and has denied the waiver on them.

THE DEPARTMENT OF STATE LANDS IS ACTING IN BAD FAITH

There are no words that will satisfy the Department of State Lands to produce records it does not want to produce. Each time I answered what it wrote, it wrote something else: a formal waiver request, then another agency's custody, then a meaning my words do not have, then a question I never asked, then a picture of my own request, then no responsive records beside the report of 18, then a substantial expenditure for an export finished in a minute, then a request it called fulfilled with nothing produced and no complete search behind it, then the reasons it gave before my fee waiver request was sent. A requester can show a public body's purpose only by the public body's own records. These are its records, and every one is published on its line on OpenRecordsOregon.org.

The Attorney General has never found that a public body acted in bad faith. OpenRecordsOregon.org holds the text of 2,763 of the office's public records orders, from January 30, 1981 to October 30, 2026.[22] Seven use the words "bad faith." Two concern records about an insurer. The other five concern a public body's fees or delay, and in each the office found no bad faith. Of the Department of Environmental Quality, in 2009, it wrote that the record "provides no basis for us to suspect that DEQ's fees were imposed in bad faith."[23] Of the Department of Transportation, in 2020: "nothing in the record or in our conversations with

ODOT causes us to suspect that ODOT's fees were imposed in bad faith."[24] Of the Department of Corrections, in 2023, it "could not conclude" that the department "had acted in bad faith for the purpose of unduly delaying the disclosure of nonexempt records."[25] The words "good faith" appear in 104 orders. None finds that a public body failed it, and none holds that a request for clarification was not made "in good faith" [ORS 192.329(4)(a)]. The office's own test for a fee meant to defeat a request, whether "the true purpose of the fee is to constructively deny the request, rather than to recoup the agency's actual costs," appears in 48 orders.[26] The office has never found it met.

In those orders the record was a fee the requester thought too high, a delay, or an oversight. The office weighed the agency's account against the requester's belief, and asked whether anything in the record gave it reason "to suspect" bad faith.[23] [24] This record does not rest on what I believe. It rests on the Department of State Lands' own documents, set against each other: the report of its search and its letter that it does not possess responsive records, sent together; an export that began and ended in one minute, reported at 12:50 PM, and a denial at 12:54 PM for "a substantial expenditure of agency resources"; a waiver on the records of its searches and a denial on what those searches found; a question, and the words of mine it quoted in asking it; a request it called fulfilled, no search that covered it, and nothing produced.

The Department of State Lands is acting in bad faith. In 2,763 orders the office has never made that finding. A requester can prove a public body's purpose only with the public body's own records, and these are the Department of State Lands' own records, contradicting each other. If this record does not meet the standard, no record a requester can obtain ever will. I ask the Attorney General to make the finding here.

THE DENIAL ANSWERS A QUESTION THE STATUTE DOES NOT ASK

ORS 192.324(5) reads:

> *The custodian of a public record 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.*

The statute asks whether making the record available primarily benefits the general public. The Department of State Lands wrote that Item 1 "is less directly related to public understanding of the Department's administration of public records."[4] It granted the waiver on the records of how it handled my request, writing that they "relate directly to the Department's public records processes and government operations."[5] It denied the waiver on the records of what passes between it and the police. The public interest my request identifies is not the Department of State Lands' administration of public records. It is whether a member of the public can write to a state agency without being sent to the police, and whether the Department of State Lands does the same thing the State's own production shows another state agency did.[2] [27]

The Department of State Lands' own form marks yes on the first question: disclosure would "directly impact, affect, or serve an identified interest of the general public."[4] The deputy director wrote: "While you have identified a potential public interest in those records."[4] The form has one column of marks for the whole request: yes on questions 1, 3, and 5, no on questions 2, 4, 6, 7, and 8, and "Partial Fee Waiver." The marks that grant the waiver on Items 2 and 3 are the marks that deny it on Item 1. Nothing on the form says which mark is about which item, or why any box is marked.[4]

Each no is answered on the record:

- **Question 2,** "Would the requested information, advance the welfare or well-being of the general public?": no. The State's own production shows a state agency writing to the Government and Media

Relations section of the state police about a member of the public.[27] Item 1 shows whether the Department of State Lands does the same thing.[2] Its own search has found 18 messages with the captain of that section.[3]

- **Question 4,** "Is the public benefit greater than the individual benefit derived from disclosure?": no. Both requests exclude any record concerning me.[2] [1] Every record I receive is published, free, for anyone to read.
- **Question 6,** "Is the request targeted at a specifically identified matter (meaning, not overly broad or complex)?": no. Item 1 is two accounts, five terms, and one date range, the search of my first request in the agency's other channels.[2] The Department of State Lands wrote: "Though your first request was simple."[16] Its own search for those accounts and those terms has already reached Teams.[3]
- **Questions 7 and 8,** the burden: no. The Teams search is run, and its export finished within the minute it started.[3] The Department of State Lands has stated no hours, no task, and no rate.

The State's form says: "Agencies are statutorily required to consider and grant reasonable requests to waive or reduce fees associated with fulfilling a public records request when doing so is in the public interest because providing access primarily benefits the general public." It says: "Agencies shall consider each factor to determine whether the public interest in disclosure of the requested records warrants granting a fee-reduction/waiver."[7] The Attorney General's manual notes the policy: "DAS Statewide Policy 107-001-030 provides that most state agencies in the executive department should not consider previous records requests when deciding whether to waive or reduce fees."[28] The policy applies to "all agencies within the Executive Department," and the Department of State Lands is not among the bodies it excludes.[29] The deputy director's letter of November 10 is a previous evaluation, applied again to a request it was not written for.[5]

The Attorney General's manual says: "If disclosure is in the public interest, the public body's decision to deny a request for a fee waiver or reduction must be reasonable under the totality of the circumstances."[26] It says the decision "should consider (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."[28] The Department of State Lands marked the public interest yes. The burden it names includes a search its own report shows done.

THE REDUCTION IS NOT ANSWERED

My request says: "If a full waiver is denied, I request a reduction of fees under the same provision."[2] Neither the denial nor the letter of November 10 mentions a reduction.[4] [5] The manual says: "When assessing a request for a fee waiver of 100%, public bodies should also determine whether a more modest fee reduction is appropriate."[30]

THE FEE WAIVER

My fee waiver request of November 6, 2026 is part of this petition, and it is attached after the last page.[6] It answers the eight questions of the State's form, Exhibit C to Statewide Policy 107-001-030, in the form's order and in the form's words. The Department of State Lands forwarded it to its deputy director on November 9, 2026.[21] No letter of the Department of State Lands has answered any of its eight answers.

THE PUBLIC INTEREST

The identified interest is whether a member of the public can write to a state agency without being sent to the police. The Government and Media Relations section of the Oregon State Police is its press office. The records requested show whether the Department of State Lands writes to it about members of the public, and what about.

No public record shows how often state agencies write to that office about a member of the public, or what follows. In one case the State's own production shows it. A state agency forwarded a citizen's public archive to the captain of that section. It alleged no crime and no threat. The captain ordered detectives to conduct a "threat assessment." They investigated for three weeks. Then three men drove sixty-eight minutes to conduct a "knock and talk" at the citizen's door, to tell him he was "not in trouble."[27] A member of the public who writes to a state agency is speaking and petitioning the government, under Article I, sections 8 and 26 of the Oregon Constitution and the First Amendment to the United States Constitution. A referral of that person to the police concerns the use of police power against that speech and petition, and compliance with ORS 181A.250.

The interest does not end at the referral. A person sent to the police has one way to learn what was written: to write to the State again, this time for the records. What that person meets is on the record: a form is required, a fee instead of the records, the search is not run, the email is called someone else's. A fee waiver denied on messages the agency's own search had already found is one more of those answers.

RELIEF REQUESTED

I ask the Attorney General to find that the Department of State Lands has acted in bad faith: that the true purpose of its denial of the fee waiver on Item 1 is to constructively deny my request for the records its own search found [ORS 192.411(1); ORS 192.324(6)]. I ask the Attorney General to order the Department of State Lands to:

1. Sustain its denial: show the hours, the tasks, and the records behind "a substantial expenditure of agency resources," and show that the denial is reasonable under ORS 192.324(5) [ORS 192.411(1)].
2. Waive all fees on Item 1 [ORS 192.324(6); ORS 192.407(3)(c)].
3. If the fee is not waived in full, reduce it, apply the State's Reduced Fee-Schedule, and state the hours it measured and the records they cover [ORS 192.324(6)].
4. Produce the 18 Teams messages its search found, with the text messages, the voicemail, and the records of every search that answers Item 1, within seven days [ORS 192.411(2); ORS 192.407(3)(a)].
5. Run the search my request of October 27, 2026 describes, across every account of the Department of State Lands, with every term, from January 1, 2023, to the date of search, attachments and partially indexed items included, and produce what it finds with the records of that search, within seven days [ORS 192.407(3)(a)].
6. Pay a penalty of $200 on each of my two requests, $400 in all. The statute allows an order that "May require the public body to pay a penalty of $200 to the requester if the Attorney General, district attorney or court determines that the public body responded to the request with undue delay or failed to respond to the request" [ORS 192.407(3)(b)]. On my request of October 27, the Department of State Lands wrote on November 2 that its response was complete,[10] and on November 9 that the request "was fulfilled."[21] No search it ran covered the request, and it has produced no record on it. On my request of November 3, its own search found the 18 messages on November 6,[3] and it denied the waiver on them as "a substantial expenditure of agency resources" and has produced none of them.[4] The office has ordered the penalty before. Of the Bureau of Labor and Industries, on January 6, 2026, it wrote: "we order BOLI to pay you a penalty of $200."[31]

Every record of these requests, 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. My request, November 3, 2026
3. The Department of State Lands' letter and Microsoft Purview reports, November 6, 2026, 12:50 PM
4. The Department of State Lands' fee waiver decision and its Public Interest Threshold Evaluation Form, November 6, 2026, 12:54 PM
5. Deputy Director Caiti Hudson's letter, November 10, 2026

6. My fee waiver request, November 6, 2026
7. Statewide Policy 107-001-030, Exhibit C, How to Use This Form and Note
8. The Department of State Lands' acknowledgment, October 30, 2026
9. My letter, October 30, 2026
10. The Department of State Lands' letter, November 2, 2026
11. My letter, November 2, 2026
12. The Department of State Lands' letter, November 3, 2026
13. My letter, November 3, 2026
14. The Department of State Lands' letter, November 4, 2026, 2:29 PM
15. My letter, November 4, 2026, 3:33 PM
16. The Department of State Lands' letter, November 4, 2026, 3:59 PM
17. My letter, November 4, 2026, 4:39 PM
18. The production, Oregon Housing and Community Services, November 3, 2026
19. The Water Resources Department's production, November 5, 2026
20. My letter to Deputy Director Hudson, November 6, 2026, 2:01 PM
21. The Department of State Lands' letter, November 9, 2026
22. The Attorney General's public records orders, 1981 to 2026, on OpenRecordsOregon.org
23. The Attorney General's order of March 23, 2009, on a petition about the Department of Environmental Quality
24. The Attorney General's order of January 21, 2020, on a petition about the Department of Transportation
25. The Attorney General's order of May 9, 2023, on a petition about the Department of Corrections
26. Attorney General's Public Records and Meetings Manual (2024), p. 18
27. The Oregon State Police production, PR27478
28. Attorney General's Public Records and Meetings Manual (2024), p. 20 and note 131
29. DAS Statewide Policy 107-001-030, Applicability
30. Attorney General's Public Records and Meetings Manual (2024), p. 21
31. The Attorney General's order of January 6, 2026, on a petition about the Bureau of Labor and Industries

FEE WAIVER REQUEST

TO	Public Records Officer, Department of State Lands
FROM	Robert Samuel White, P.O. Box 334, Reedsport, Oregon 97467
DATE	November 6, 2026
RE	Fee waiver request under ORS 192.324(5), answered on the State's Public Interest Threshold Evaluation Form

Public Records Officer,

I request a waiver of all fees on my public records request of October 27, 2026, and on Item 1 of my public records request of November 3, 2026, under ORS 192.324(5).[1]

The State has a form for this decision: Exhibit C to Statewide Policy 107-001-030, the Public Interest Threshold Evaluation Form.[2] It says: "Agencies are statutorily required to consider and grant reasonable requests to waive or reduce fees associated with fulfilling a public records request when doing so is in the public interest because providing access primarily benefits the general public."[3] It says each request is decided on "the information provided by the requester" and "the totality of the circumstances at the time of the request," and that "Previous requests and evaluations will not be considered as part of the evaluation."[3] The policy binds the agencies of the Executive Department it names.[2] If it does not bind you, these are the State's own questions, and the statute is the same.

This letter is the information provided by the requester. It answers the form's eight questions, in the form's order, in the form's words.

PUBLIC INTEREST

1. "Would disclosure of the requested information, directly impact, affect, or serve an identified interest of the general public?"[4]

Yes. The identified interest is whether a member of the public can write to a state agency without being sent to the police. The records show whether state agencies use the Government and Media Relations section of the state police to handle members of the public who contact them. A member of the public who writes to a state agency is speaking and petitioning the government, under Article I, sections 8 and 26 of the Oregon Constitution and the First Amendment to the United States Constitution. A referral of that person to the police concerns the use of police power against that speech and petition. It also concerns compliance with ORS 181A.250, which bars police from collecting information about a person's political or social views or activities without reasonable suspicion of criminal involvement. No public record shows how often state agencies write to that office about a member of the public.

The interest does not end at the referral. A person sent to the police has one way to learn what was written: to write to the State again, this time for the records. What that person meets is on the record: a form is required, a fee instead of the records, the search is not run, the email is called someone else's. The public has an identified interest in both letters: the one that brought the police, and the one that asks for the record of it. Disclosure directly serves everyone who writes to a state agency.

2. "Would the requested information, advance the welfare or well-being of the general public?"[4]

Yes. On March 3, 2026, the Oregon Parks and Recreation Department forwarded a citizen's public archive to the captain of Government and Media Relations. It alleged no crime and no threat. On March 4, the captain ordered detectives to conduct a "threat assessment." The detectives investigated for three weeks and documented the citizen in multiple state and federal systems. Then three men drove sixty-eight minutes to conduct a "knock and talk" at the citizen's door, behind a locked gate, at a restricted federal facility, posted against public access, to tell him he was "not in trouble."[5]

He then wrote to the State for the records. On April 2, 2026, the Oregon State Police sent him to its form.[6] On April 3, it answered that a search had identified no records.[7] On April 14, it answered his fee waiver request with a form to print and mail.[8] On July 27, five days after his petition, it wrote that it had located additional records.[9] On August 11, it estimated $16,315.00, at 650 hours and release 130 weeks after payment.[10] On September 22, the Office of the Governor denied his fee waiver and estimated $572.50.[11] On October 15, the Department of Justice denied his fee waiver and estimated $599, writing that "the records you seek pertain primarily to you and your private interests."[12]

Not one word of this relies on my words. It is in the State's own records. The welfare and the well-being of the general public are advanced when the public knows what can follow a letter to its government, and what can follow the next one.

3. "Will the requester be able to actually, meaningfully disseminate the requested information?"[4]

Yes. I am already doing it. As of the date of this letter, openrecordsoregon.org has published every request, reply, and production in its four inquiries: 671 filings and 686 documents. They include public records productions from the Oregon State Police, the Department of Administrative Services, the Oregon Parks and Recreation Department, the Office of the Public Records Advocate, the Department of Energy, the Department of Fish and Wildlife, Oregon Housing and Community Services, and the Water Resources Department, each with its files and email headers, free to read and download. Records from these requests will be published the same way.

Those records are used to answer one question in public: what happens when a member of the public writes to a state agency, and what happens when that person writes again for the records. Each production stands on its body's line beside the request and every reply, so any reader can hold one agency's answer against another's. The Department of Fish and Wildlife produced six Oregon State Police weekly reports addressed to Captain Kyle Kennedy. Oregon Housing and Community Services produced seventeen Teams messages, with the reports of its search. My petition to the Attorney General set that production beside the Department of Emergency Management's invoice of $1,747.12 for the same search. The next day, that department wrote that "the initial labor estimate was a mistake and should never have been generated," and that "we have changed the way we create labor reimbursement estimates going forward."

PRIVATE OR COMMERCIAL INTEREST

4. "Is the public benefit greater than the individual benefit derived from disclosure?"[4]

Yes. What happened to me is already published.[5] My requests exclude any record concerning me.[1] It asks for records about other members of the public, with their names redacted. Every record I receive is published, free, for anyone to read. I receive nothing from disclosure that the public does not receive.

5. "Is there a specifically identified purpose for which the public records are being sought that is wholly unrelated to 1) commercial purposes; or 2) actual or possible use in connection with administrative, judicial or legal proceedings?"[4]

Yes. The question joins two things with "or," so I answer each.

The first is commercial purposes. I have none. The purpose I have identified is to publish these records, free, to show the public what happens when a member of the public writes to a state agency: whether and how state agencies refer that person to the state police, and what that person meets on asking for the record of it.

The second is "actual or possible use in connection with administrative, judicial or legal proceedings." Publication is not a proceeding. My requests exclude any record concerning me.[1] Once a record is public, anyone can use it for anything. That is true of every public record any agency releases. The right belongs to every person [ORS 192.314(1)], and the waiver turns on one thing: whether "making the record available primarily benefits the general public" [ORS 192.324(5)].

REASONABLENESS

6. "Is the request targeted at a specifically identified matter (meaning, not overly-broad or -complex)?"[4]

Yes. The matter is what a state agency does with a member of the public who writes to it: whether it writes about that person to the Government and Media Relations section of the state police, and what that person meets on asking for the record of it.

Neither is overly broad. Each is limited to the two accounts of that section, five terms, and one date range, and excludes any record concerning me.[1] Neither asks for anything else on that matter. "Threat assessment" and "knock and talk" are two of the terms, and they are the words in question 2. Neither is complex. An agency wrote to those accounts in those terms or it did not, and the search shows which.

What it finds is what it asks about. The Department of Fish and Wildlife sent six Oregon State Police weekly reports addressed to Captain Kyle Kennedy.[13] The Oregon Department of Energy sent four emails, among them "Just here for situational awareness," from the Oregon Parks and Recreation Department.[14] The Water Resources Department sent three Teams messages "captured from weekly meetings between numerous state agencies (which included one of the referenced email addresses)."[15] Oregon Housing and Community Services sent seventeen Teams messages from those meetings: "Gov Comms Office Hours" and "Weekly Agency Comms Call."[16] None of them required a fee.

7. "Can the agency grant a waiver or reduce fees without causing an unreasonable burden on agency resources?"[4]

Yes. What these requests require of you is production: the search, the review, any redaction, and the records. The statute assigns that work to the public body. "Every person has a right to inspect any public record of a public body in this state" [ORS 192.314(1)]. A public body "shall complete its response" to a written request "as soon as practicable and without unreasonable delay" [ORS 192.329(1)]. On review, "the burden is on the public body to sustain its action" [ORS 192.431(1)].

A waiver adds no hour to that work. It decides who pays for it, and the statute lets the custodian furnish copies "without charge" when "making the record available primarily benefits the general public" [ORS 192.324(5)]. A duty the statute already assigns to you does not become an unreasonable burden because a waiver is granted.

The form's guidance allows a denial "if the interest of the general public would be better served by preserving agency resources."[3] Agency resources are the public's. On this matter the State spent them: three weeks of detectives and three men on a sixty-eight-minute drive to one door, on a forwarded public archive that alleged no crime and no threat.[5] The general public is not better served by preserving the time it takes to show what that was, and how often it happens.

If you mark this question no, state the hours you measured, the rate, and the records they cover.

8. "Is the public interest served by disclosure greater than the burden to the agency (amount of staff time diverted to fulfilling a request and costs of subsidization)?"[4]

Yes. The form names two costs. The first is staff time. Responding to a public records request is a duty of the office, so the time spent producing records is not diverted from the agency's work. It is that work. The second is subsidization. The public already pays for the staff who wrote these messages, the systems that hold them, and the detectives in question 2. A waiver asks it to pay nothing new, and the cost is paid once: I publish what you produce, free, so no other member of the public has to request it and you do not have to produce it again.

On the other side is the interest in question 1: whether a person can write to a state agency without being sent to the police, and whether that person can then see the record of it. That interest is greater.

FOLLOW THE STATUTE

Complete the form and send it to me: each of the eight questions marked, and, for any question marked no, what in this letter or in the circumstances supports that mark. Your decision will be published beside this letter and my requests, as part of the record question 1 describes.

If you do not grant a full waiver, reduce the fees under the same provision and apply the State's Reduced Fee-Schedule, which sets "$60/hour for Professional (Information Technology, Human Resources, High-level Analyst)" and "$32/hour for Managerial" as the most a body may charge.[17] State the amount of any reduction and its basis, and provide an itemized estimate before any work begins: the tasks, the hours for each, and the hourly rate of the employee performing each.

Decide my fee waiver request on what it says. Follow the statute [ORS 192.324(5)].

Thank you for your public service.

Respectfully,

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

Sources

1. My requests, October 27, 2026 and November 3, 2026, Item 1
2. DAS Statewide Policy 107-001-030, Public Records Requests Fees and Charges, effective April 1, 2025, Applicability and Exhibits
3. Statewide Policy 107-001-030, Exhibit C, How to Use This Form, Additional Guidance, and Note
4. Statewide Policy 107-001-030, Exhibit C, Public Interest Threshold Criteria

5. The Oregon State Police production, PR27478
6. Oregon State Police, April 2, 2026
7. Oregon State Police, PR27478, April 3, 2026
8. Oregon State Police, PR27478, April 14, 2026
9. Oregon State Police, PR27478, July 27, 2026
10. Oregon State Police, PR36445, August 11, 2026
11. Office of the Governor, September 22, 2026
12. Oregon Department of Justice, October 15, 2026
13. Department of Fish and Wildlife, production, November 6, 2026
14. Oregon Department of Energy, production, November 4, 2026, and its count, November 5, 2026
15. Water Resources Department, production, November 5, 2026
16. Oregon Housing and Community Services, production, November 3, 2026
17. Statewide Policy 107-001-030, Exhibit C, Reduced Fee-Schedule