FROM	[Marion County DA Staff]
TO	Robert Samuel White
CC	Marion County DA Public Records; [SDAO Staff]
DATE	November 13, 2026, 12:26 PM PT
SUBJECT	**RE: Petition for a Public Records Order: Special Districts Association of Oregon**

Received. Thank you.

[Marion County DA Staff]
Paralegal
Marion County District Attorney's Office

From: Robert Samuel White <rsw@rswfire.com>
Sent: Thursday, November 12, 2026 10:45 PM
To: [Marion County DA Staff] <[email]>
Cc: districtattorney <[email]>; [SDAO Staff] <[email]>; [SDAO Staff] <[email]>
Subject: RE: Petition for a Public Records Order: Special Districts Association of Oregon

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Chief Deputy District Attorney Murphy:

The Special Districts Association of Oregon answered my petition with a letter dated November 10, 2026, and sent on November 12 at 9:19 PM.1 This is my reply to it.

Four hours to search its email

The Special Districts Association of Oregon writes that its fee "is based on an estimate of 4 hours of time from the SDAO IT Contractor at $236 per hour."1 State agencies have run the same request against their own email, and their search reports show it takes less than a minute.

On October 30, 2026, the Department of State Lands ran it across the department's mailboxes. Its search report records the start at 8:26:42 PM and the end at 8:27:28 PM, UTC: forty-six seconds, and eighteen items found.2 On November 3, Oregon Housing and Community Services ran its search for the same request. Its report records the start at 4:38:47 PM and the end at 4:39:25 PM: thirty-eight seconds.3 On November 6, the Department of State Lands ran it again, and its report records the start and the end in the same minute.4 On November 4, the State Library of Oregon wrote: "As the search

took less than 30 minutes, there is no fee for this request."5

Each was the same search. The request to the Special Districts Association of Oregon names two accounts, five terms, and one date range, and every account the search covers is its own.6

Its account of the four hours has changed with each letter. On November 4: "It is anticipated that it will take 4 hours to perform the search and review."7 On November 9: "The proposed fee is not for any attorney time. The fee is for IT personnel only to comply with the request."8 On November 10: "4 hours of time from the SDAO IT Contractor."1 None of the three names the system, the query, or a count of records. The November 10 letter writes that "the search has not been conducted."1 On November 4, the four hours included the review of records no one had searched for.

The Special Districts Association of Oregon writes that it "has not refused to search for and provide the requested records."1 No. It will run the search when a check for $944 has cleared: "Once the payment is received and it has cleared, I will move forward with the search."7 A search that takes less than a minute, priced at four hours and held behind payment, is not the cost of the search. It is a wall in front of the records. The Attorney General's manual names that fee: one 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."9 The fee is a constructive denial.

The fee waiver it did not decide

The Special Districts Association of Oregon writes: "Based on all the information from Mr. White, it appears that his records request is personal to him and related to some interaction he had with law enforcement."1 No. The request reads: "This request excludes any record concerning me."6 It asks for the Special Districts Association of Oregon's own communications with the press office of the Oregon State Police, under five terms. They are its records, of what it writes.

It writes: "Nothing in Mr. White's request demonstrates that he is entitled to any waiver or reduction in the fees."1 On November 6, I sent it a fee waiver request that answered, in order, the eight questions of the State's Public Interest Threshold Evaluation Form.10 Its letter does not mention that request. It answers none of the eight questions, and it states no public interest it weighed, no burden it measured, and no reduction it considered. It puts a conclusion where the decision belongs. The form requires each request to be decided on "the information provided by the requester" and "the totality of the circumstances at the time of the request."11 The statute does not ask whether a requester is entitled. It asks whether "making the record available primarily benefits the general public" [ORS 192.324(5)<https://openrecordsoregon.org/r/9ANJ23V0/Q885>].

Relief

The burden is on the Special Districts Association of Oregon to sustain its action [ORS 192.411(1)<https://openrecordsoregon.org/r/9ANJ23V0/10AT>]. Its response states a figure and a conclusion and sustains neither. I ask that the order grant each item of relief my petition requests.
Respectfully,
Robert Samuel White
Public Records Requestor
[https://rswfire.com/signature/01M79TDDX8WPZM8BWQN905KHDZ/flame.png]rswfire.com<https://openrecordsoregon.org/r/9ANJ23V0/N4P0>
[https://rswfire.com/signature/01M79TDDX8WPZM8BWQN905KHDZ/tree.png]openrecordsoregon.org<https://openrecordsoregon.org/r/9ANJ23V0/Z5YK>
[https://rswfire.com/signature/01M79TDDX8WPZM8BWQN905KHDZ/droplets.png]autonomyrealms.com<https://openrecordsoregon.org/r/9ANJ23V0/JKEM>
Sources

1. The Special Districts Association of Oregon's response to the petition, November 10, 2026, sent November 12, 2026<https://openrecordsoregon.org/r/9ANJ23V0/GMEH>
2. The Department of State Lands' search report, October 30, 2026<https://openrecordsoregon.org/r/9ANJ23V0/Z508>
3. Oregon Housing and Community Services' production and search reports, November 3, 2026<https://openrecordsoregon.org/r/9ANJ23V0/SCK5>
4. The Department of State Lands' search reports, November 6, 2026<https://openrecordsoregon.org/r/9ANJ23V0/2BA5>
5. The State Library of Oregon's letter, November 4, 2026<https://openrecordsoregon.org/r/9ANJ23V0/19JG>
6. My request, October 31, 2026<https://openrecordsoregon.org/r/9ANJ23V0/AWDF>
7. The Special Districts Association of Oregon's estimate, November 4, 2026<https://openrecordsoregon.org/r/9ANJ23V0/4VDT>
8. The Special Districts Association of Oregon's letter, November 9, 2026<https://openrecordsoregon.org/r/9ANJ23V0/A5M1>
9. Attorney General's Public Records and Meetings Manual (2024), p. 18<https://openrecordsoregon.org/r/9ANJ23V0/F2ZK>
10. My fee waiver request, November 6, 2026<https://openrecordsoregon.org/r/9ANJ23V0/RR6N>
11. Statewide Policy 107-001-030, Exhibit C, How to Use This Form, Additional Guidance, and Note<https://openrecordsoregon.org/r/9ANJ23V0/P146>
01M79TDDX8WPZM8BWQN905KHDZ<https://openrecordsoregon.org/r/9ANJ23V0>