PETITION FOR A PUBLIC RECORDS ORDER: OREGON PARKS AND RECREATION DEPARTMENT

TO	Oregon Department of Justice, Public Records Orders
FROM	Robert Samuel White, P.O. Box 334, Reedsport, Oregon 97467
DATE	November 13, 2026
RE	Petition under ORS 192.411, ORS 192.324(6), and ORS 192.407; Oregon Parks and Recreation Department; my public records request of September 5, 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 Oregon Parks and Recreation Department, a state agency, on my public records request of September 5, 2026.[1]

I asked the Oregon Parks and Recreation Department for the records of its Director and its Deputy Director on a documented complaint of retaliation by their own staff, and the conduct that followed, from February 1, 2025, to the present.[1] The Oregon Parks and Recreation Department priced the records of those two people at fifty to fifty-four hours, $1,600 to $1,728.[3] It never decided the fee waiver my request asked for, and it did not answer either of my two letters asking for a decision.[4] [5]

On November 12, 2026, Attorney General Dan Rayfield's office, by Deputy Attorney General Benjamin Gutman, ruled on my petition about that fee on statements the Oregon Parks and Recreation Department made to it and never made to me.[7] It did not decide the waiver. It called the rate on the estimate a waiver, and dismissed that part of my petition: "Because OPRD has granted your fee waiver request in part, we respectfully dismiss this portion of your request as moot." It denied the rest: "The fee does not appear excessive given the breadth of your request."[7] There is no breadth to it: the records of two officials, on one subject, over one date range.[1]

The State's own agencies have run email searches in less than a minute.[9] [10] [11] The Oregon Parks and Recreation Department priced a search of two people's records at fifty-four hours. That fee is not a cost. It is a wall in front of the records, and the order left it standing. The burden is on the Oregon Parks and Recreation Department to sustain its action [ORS 192.411(1)]. It has not.

THE ORDER OF NOVEMBER 12

Deputy Attorney General Benjamin Gutman decided my earlier petition on this request on what the Oregon Parks and Recreation Department told his office, and none of it came to me. The order states: "This evaluation requires the public body to explain how it calculated its fee." The Oregon Parks and Recreation Department told the office, not me: "OPRD states that it has conducted similar searches for records in the past and is basing its estimate on the time taken in those searches."[7] The estimate it sent me names no earlier search.[3] Nothing the Oregon Parks and Recreation Department sent the office came to me, before the order or with it. The order decided my petition on a basis the Oregon Parks and Recreation Department never gave me.

For a public body that is not a state agency, the district attorney "shall carry out the functions of the Attorney General" [ORS 192.415(1)(a)]. On November 4, 2026, I petitioned the Marion County District Attorney on the Special Districts Association of Oregon. On November 10, Chief Deputy District Attorney Brendan Murphy wrote to both of us. He set the day of his order. He asked the public body for its response by November 12, with the documents at issue. He gave me a day to answer it: "Appellant may provide a reply, if any, by 5 p.m. on Friday, November 13, 2026." He wrote: "I will not respond to any communication which is not provided to all parties."[14] The public body sent its statements to him with a copy to me.[15] [16] The Attorney General's office set no day for its order and no day for my reply, and sent me nothing the Oregon Parks and Recreation Department told it. Its orders on the Department of Emergency Management and the Department of Geology and Mineral Industries came to me the same way: each alone, with nothing the public body sent.[17] [18]

The order then disclaimed the review this petition asks for: "Although the Attorney General generally does not have the authority to review the reasonableness of a fee estimate."[7] The statute gives the office "the same authority in instances when a fee waiver or reduction is denied as when inspection of a public record is denied" [ORS 192.324(6)]. OpenRecordsOregon.org holds 2,763 of the Attorney General's orders on public records petitions and has read 2,674 of them, from January 30, 1981, to October 30, 2026.[19] The words "authority to review the reasonableness" stand in 23 of them since March 24, 2009. Of 247 petitions on fees, the office granted no relief on 239. Of the orders read, 127 speak of a constructive denial, and the office granted no relief on 122 of those petitions.

The statute brings the petition to the office "to review the public record," and puts the burden where it belongs: "the burden is on the agency to sustain its action" [ORS 192.411(1)]. The order reviewed the estimate: "Based on our review of the fee estimate." It did not hold the Oregon Parks and Recreation Department to its burden. It made the agency's case: "some of the requests are quite broad"; the fee includes "a reasonably sizeable portion of time to search through physical and electronic databases"; "OPRD has also offered to work with you to narrow the request in order to strategically reduce this fee"; "And, as a reminder, if the actual charges end up being less than the prepayment of this fee, then any overpayment will be promptly refunded to you." It put a burden on me instead: "if the requester fails to demonstrate the ability to meaningfully disseminate the requested information, disclosure will not primarily benefit the general public." It called my request for the records of the agency's Director and Deputy Director a request "for various kinds of OPRD records that relate to yourself," and listed "the requester's identity" among the factors.[7] In 2,447 of the 2,674 orders read, the office does not say it looked at the records in dispute. In 2,053, it does not say who carries the burden. In 77, it puts a burden on the petitioner.[19]

On the waiver, the order decided nothing. It called the price a waiver: "that fee estimate included a partial fee waiver such that each hour of staff time was charged at the reduced rate of $32 per hour instead of $40 per hour. Because OPRD has granted your fee waiver request in part, we respectfully dismiss this portion of your request as moot." The estimate does not mention my waiver.[3] The statute puts the decision on the custodian [ORS 192.324(5)]. The office made it for the agency, and then dismissed my petition on it. It sent me back: "Based on this new information, you are of course free to renew your request for a complete fee waiver or further reduction."[7] I asked for a complete fee waiver on September 5, 2026, and asked for a decision twice.[1] [4] [5] It does not need renewing. It needs deciding.

The statute names three orders: "denying or granting the petition, or denying it in part and granting it in part" [ORS 192.411(1)]. A dismissal is not one of them. The office dismissed all three of my petitions, two in whole and one in part. On the Department of Geology and Mineral Industries, a petition that asked it "to order the Oregon Department of Geology and Mineral Industries (DOGAMI) to waive fees estimated by

DOGAMI to produce records you recently requested," it decided nothing on the fee or the waiver and wrote: "DOGAMI responded that it does not have records responsive to your request. Because DOGAMI has now completed its response, we respectfully dismiss your petition as moot."[18] On the Department of Emergency Management: "ODEM notified you that it has no records responsive to your request. Because ODEM has now completed its response, we respectfully dismiss your petition as moot."[17] Neither order names a search. The office has issued 843 orders the statute does not name: 529 call the petition moot, 273 call it premature, and 41 dismiss it. Of the 529 called moot, 235 rest on the agency's word that it would release the records. Since June 12, 2018, 42 of them say the agency "completed its response."[19]

The Oregon Parks and Recreation Department has not responded to my request by the date the statute requires. The statute lets the office order a penalty when a public body "failed to respond to the request" [ORS 192.407(3)(b)]. Of 203 petitions on a public body that had not responded, the office granted none in full. It granted 2 in part, called 68 moot, and called 59 premature.[19]

On this petition: send me every statement the Oregon Parks and Recreation Department has made to the office on my request of September 5, 2026, and on my petition of November 4, 2026. Rest no order on a statement I have not seen. Review the record. Hold the Oregon Parks and Recreation Department to its burden. Decide the waiver. Issue an order the statute names.

THE PETITION

- **Petitioner:** Robert Samuel White, P.O. Box 334, Reedsport, Oregon 97467, rsw@rswfire.com.
- **Public body:** Oregon Parks and Recreation Department, 725 Summer St NE, Suite C, Salem, Oregon 97301.
- **Records:** The records of Director Lisa Sumption and Deputy Director J.R. Collier on one subject, from February 1, 2025, to the present: their communications, the communications between them, the notes, memoranda, summaries, and calendar entries either authored, and any record of a direction or instruction either gave.[1]
- **Requested:** September 5, 2026, at 3:55 PM, by email to oprd.publicrecords@oprd.oregon.gov, with the Director and the Deputy Director copied, with a request for a waiver of all fees. The request is attached after the last page.[1]
- **Fee:** "Approximately 50-54 hours at $32 per hour for a total of $1,600 to $1,728," September 18, 2026.[3]
- **Earlier petition:** November 4, 2026, DOJ File No. 634900-GA0226-26, dismissed in part and denied in part on November 12, 2026.[6] [7]

WHAT THE OREGON PARKS AND RECREATION DEPARTMENT DID

September 5, 2026. I asked for the records of two officials, on one subject, over one date range, and for a waiver of all fees: "These records concern how the two highest officials of a state agency handled a documented complaint of retaliation by their own staff, and the conduct that followed. I have no commercial purpose. All records produced will be published in full, at no charge, at oprdvolunteerabuse.org."[1]

September 11. The Oregon Parks and Recreation Department wrote that it would "respond by September 22 with an estimate for staff time and costs to gather the documents."[2]

September 18. It sent the estimate: "Approximately 50-54 hours at $32 per hour for a total of $1,600 to $1,728." It wrote: "Per OAR736-001-0030(2) we have estimated at a reduced rate." It asked me to approve the fee before it would go on: "Upon your approval confirmation, OPRD will then provide options you can select to fulfill the payment either via mail or phone."[3] The estimate reports no search run and no count of records. It does not mention my waiver. That day I wrote that the waiver "is still pending and it requires a written determination."[4]

September 26. I wrote: "Oregon Parks and Recreation: decide the fee waiver of September 5 in writing, at the level of your custodian, as ORS 192.324(5) requires."[5] The Oregon Parks and Recreation Department has not answered either letter.

November 4. I petitioned this office.[6]

November 12. This office issued its order.[7] The Oregon Parks and Recreation Department has not produced one record on my request of September 5.

FIFTY-FOUR HOURS FOR THE RECORDS OF TWO PEOPLE

On October 30, 2026, the Department of State Lands searched every mailbox in the department in forty-six seconds, from 8:26:42 PM to 8:27:28 PM, UTC.[9] On November 3, Oregon Housing and Community Services ran its search in thirty-eight seconds, from 4:38:47 PM to 4:39:25 PM.[10] On November 6, the Department of State Lands searched again, starting and ending in the same minute.[11] On November 4, the State Library of Oregon wrote: "As the search took less than 30 minutes, there is no fee for this request."[12]

On November 10, the Oregon Parks and Recreation Department answered my request of October 27 for every email to or from two Oregon State Police addresses containing any of five terms, from January 1, 2023, to the date of search, naming no person's account. It produced the record it found and charged nothing.[8] It priced the records of its Director and its Deputy Director at fifty-four hours.[3]

The Oregon Parks and Recreation Department holds two people's records behind payment. A fee the statute permits is one "reasonably calculated to reimburse the public body for the public body's actual cost of making public records available" [ORS 192.324(4)(a)]. Fifty-four hours is not the cost of searching two people's records. The Attorney General's manual names this 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."[13] The fee is a constructive denial. A public body's obligation to complete its response is suspended only when it "has informed a requester of a fee permitted under ORS 192.324 (4)" [ORS 192.329(3)(a)]. This fee suspended nothing. Not later than 10 business days after the date its acknowledgment was due, the Oregon Parks and Recreation Department had to "Complete its response to the public records request" or give "a reasonable estimated date by which the public body expects to complete its response" [ORS 192.329(5)]. It did neither. It has not responded to my request.

THE WAIVER WAS NEVER DECIDED

I asked for a waiver of all fees on September 5, with my reasons.[1] The estimate does not mention it.[3] I asked for a decision on September 18 and on September 26.[4] [5] The Oregon Parks and Recreation Department has never sent one.

The rule the order cites allows a waiver or a reduced fee only "if the Director or designee determines that the waiver or reduction of fees is in the public interest" [OAR 736-001-0030(2)]. No letter of the Oregon Parks and Recreation Department states that its Director or a designee determined anything on my

request. The statute puts the decision on the custodian [ORS 192.324(5)], and the custodian has decided nothing. The Oregon Parks and Recreation Department asked me to approve the full fee before it would go on, on a waiver it never decided.[3] That is a denial of the waiver.

RELIEF REQUESTED

I ask the Attorney General to issue an order granting or denying this petition, on each question it raises [ORS 192.411(1)], and to:

1. Find that the estimate of $1,600 to $1,728 is a constructive denial of my request, not a fee the statute permits [ORS 192.324(4)(a); ORS 192.411(1)].
2. Order the Oregon Parks and Recreation Department to waive all fees on my request of September 5, 2026 [ORS 192.324(6); ORS 192.407(3)(c)].
3. Order it to produce the records within seven days [ORS 192.411(2); ORS 192.407(3)(a)].
4. Order it to pay a penalty of $200. 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)]. The Oregon Parks and Recreation Department has held my request since September 18, 2026, behind a fee, has not decided its fee waiver, has not answered either letter asking for a decision, and has not responded to my request by the date the statute requires [ORS 192.329(5)].[3][4][5]

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, September 5, 2026
2. The Oregon Parks and Recreation Department's letter, September 11, 2026
3. The Oregon Parks and Recreation Department's estimate, September 18, 2026
4. My letter, September 18, 2026
5. My letter, September 26, 2026
6. My petition to the Attorney General, November 4, 2026
7. The Attorney General's order, November 12, 2026, DOJ File No. 634900-GA0226-26
8. The Oregon Parks and Recreation Department's production, November 10, 2026
9. The Department of State Lands' search report, October 30, 2026
10. Oregon Housing and Community Services' production and search reports, November 3, 2026
11. The Department of State Lands' search reports, November 6, 2026
12. The State Library of Oregon's letter, November 4, 2026

13. Attorney General's Public Records and Meetings Manual (2024), p. 18
14. Chief Deputy District Attorney Brendan Murphy's letter, November 10, 2026
15. The Special Districts Association of Oregon's letter to the District Attorney, November 9, 2026
16. The Special Districts Association of Oregon's response to my petition, November 12, 2026
17. The Attorney General's order on the Department of Emergency Management, November 12, 2026
18. The Attorney General's order on the Department of Geology and Mineral Industries, November 13, 2026
19. The Attorney General's public records orders, 1981 to 2026, OpenRecordsOregon.org

From	Robert Samuel White
To	[OPRD Public Records]; OPRD Public Records
Cc	Deputy Director JR Collier; Director Lisa Sumption; OPRD Commissioners; Governor Kotek
Date	September 5, 2026, 3:55 PM PT
Subject	**Public records request under ORS 192.311 to 192.478**
Document	01M1SWHHM8QSPN71SK56Q97F8C

This is a request under the Oregon Public Records Law. It is narrow by design and concerns two custodians only.

I am Robert Samuel White, date of birth April 11, 1977. I served as an unpaid volunteer with the Oregon Parks and Recreation Department at Jessie M. Honeyman Memorial State Park and was permanently excluded from all Department volunteer programs in a letter dated March 26, 2025.

The period requested is February 1, 2025 to the present.

I request the following records concerning me, held by or sent or received by Director Lisa Sumption and Deputy Director J.R. Collier.

1. All communications concerning me sent or received by Director Lisa Sumption, in any medium, including email, text message, instant message, and any messaging application, on any device or account used for Department business.

2. All communications concerning me sent or received by Deputy Director J.R. Collier, on the same terms.

3. All communications between Director Sumption and Deputy Director Collier concerning me.

For the purpose of items 1 through 3, "concerning me" includes any communication referring to Robert White, Robert Samuel White, Robert S. White, Sam White, rsw@rswfire.com, oprdvolunteerabuse.org, rswfire.com, my date of birth, my volunteer service, my dismissal, my exclusion, my correspondence, my public records requests, the March 24, 2026 law enforcement contact at my residence, or the legal fund I have opened.

4. All notes, memoranda, summaries, or other records authored by either individual concerning me, including handwritten notes and calendar entries.

5. Any record reflecting a direction or instruction given by either individual concerning me, including any instruction regarding whether or how staff should respond to my correspondence.

This request does not seek records held by any other Department employee. If a communication responsive to items 1 through 3 was sent to or received from another employee, it is responsive because Director Sumption or Deputy Director Collier is a party to it.

Administration

Fee waiver. I request a waiver under ORS 192.324(5). Disclosure primarily benefits the general public. These records concern how the two highest officials of a state agency handled a documented complaint of retaliation by their own staff, and the conduct that followed. I have no commercial purpose. All records produced will be published in full, at no charge, at oprdvolunteerabuse.org.

Acknowledgment and timeline. ORS 192.324(2) requires acknowledgment or completion within five business days, and ORS 192.329(5) requires a reasonable estimated completion date where a response cannot be completed within fifteen business days. I request both in writing.

Fees. ORS 192.324(4) prohibits a fee exceeding $25 without prior written notice. If a fee is to be charged, I request that notice with an itemized basis before any work is performed, and the opportunity to narrow the request rather than have it held pending payment. I have no ability to receive or return printed forms; any fee waiver determination should not be conditioned on the return of a printed document.

Format. Electronic delivery by email or secure link, in native format with headers, recipients, timestamps, metadata, and attachments preserved and intact.

Preservation. Please treat all records responsive to this request as subject to litigation hold. I have served a notice of tort claim on the State of Oregon under ORS 30.275, and the Department of Administrative Services has opened claim P195403.

Disposition. For each numbered item, please state whether responsive records exist, produce them, or cite the specific exemption claimed for each record or portion withheld, as ORS 192.329(2) requires. If any responsive record is withheld, identify it by date, author, recipient, and subject.

Robert Samuel White
oprdvolunteerabuse.org