PETITION FOR A PUBLIC RECORDS ORDER: DEPARTMENT OF EMERGENCY MANAGEMENT

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; Department of Emergency Management; my 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 against the Department of Emergency Management, a state agency, on my public records request of October 27, 2026.[1]

My petition of November 4, 2026 did not ask this office to make the Department of Emergency Management produce records. It asked this office to decide the Department of Emergency Management's fee: an invoice of $1,747.12, set before any search was run, payable "before any work can begin," on a request whose fee waiver the Department of Emergency Management never decided.[2] On November 12, 2026, this office answered: "Because ODEM has now completed its response, we respectfully dismiss your petition as moot."[3] The order does not mention the fee, the invoice, the waiver, or the penalty my petition asked for. A fee set before any search, and held in front of the records until the requester petitions, does not become moot when the agency later reports that it found nothing. It is the act my petition is about.

The statute names the orders this office issues on a petition: "the Attorney General shall issue an order denying or granting the petition, or denying it in part and granting it in part, within seven days from the day the Attorney General receives the petition" [ORS 192.411(1)]. A dismissal is not one of them. On a fee waiver, the statute gives this 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)]. I ask this office to issue the order the statute requires, on the questions my petition put to it.

THE PETITION

- **Petitioner:** Robert Samuel White, P.O. Box 334, Reedsport, Oregon 97467, rsw@rswfire.com.
- **Public body:** Department of Emergency Management, 3930 Fairview Industrial Dr SE, Salem, Oregon 97302.
- **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 12:31 PM, by email to OEM_PublicInfo@oem.oregon.gov.[1]
- **Fee:** invoice AIJ00315, $1,747.12, October 30, 2026.[5]
- **Fee waiver request, a letter answering the eight questions of the State's form:** November 6, 2026. It is attached after the last page.[9]

- **Earlier petition:** November 4, 2026, DOJ File No. 258001-GA0228-26, dismissed as moot on November 12, 2026.[2] [3]

THE FEE CAME BEFORE THE SEARCH

October 27, 2026, 3:10 PM. The Department of Emergency Management's Public Information Officer wrote that she had "begun the process of creating an invoice for you," and: "Collecting the information necessary to fulfill this request would take many hours of staff labor, which will need to be paid by you per Oregon Law."[4]

October 30, 2026, 11:56 AM. She sent invoice AIJ00315 for $1,747.12, "based on the estimated staff time it will take to pull this information," and wrote: "If you would like to proceed with this request, you will need to pay the invoice before any work can begin."[5] The invoice has one line, "PRR: OEM/OSP Communication Records," and its terms are "NET 30," with interest and collection by "the Department of Revenue or a private collection firm" for an account not paid.[5]

October 30, 2026, 2:53 PM. I had asked her to describe the search. She wrote: "we are within our obligations and rights per Oregon law," and: "If you choose to not pay the invoiced fee, I will assume you choose to not move forward with this request."[6]

November 4, 2026. I petitioned this office.[2]

November 5, 2026, 9:59 AM. The Department of Emergency Management wrote that "following your contact with the Department of Justice, our management and IT teams initiated a comprehensive review of your request," that "the initial labor estimate was a mistake and should never have been generated," and that the estimate was made "prior to checking system records."[7] It ran its search after my petition.

In the Department of Emergency Management's own words, its fee was set before anyone looked for a record. 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)]. No cost was calculated. The obligation to complete a response is suspended only when a public body "has informed a requester of a fee permitted under ORS 192.324 (4)" [ORS 192.329(3)(a)]. This fee suspended nothing. From October 27 to November 5, the only thing between my request and the records was an invoice the Department of Emergency Management now says "should never have been generated."[7]

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."[10] My petition asked this office to apply that test. The order does not apply it.

THE RESPONSE IS NOT COMPLETE

The order rests on one sentence: "Because ODEM has now completed its response, we respectfully dismiss your petition as moot."[3] The Department of Emergency Management's response is a screenshot of one search, sent on November 5, 2026.[7] That search is not the search my request asks for:

- It searches for "Threat assesment." My request asks for "threat assessment."[1] [7]
- It searches "Date>2023-01-03." My request asks from January 1, 2023, on that day, not after January 3.[1] [7]
- It searches messages from and to the two addresses. My request asks for every email "sent to or received from" either one.[1] [7]

- It is limited to "Participants:OEM_Employees." My request asks for the Department of Emergency Management's accounts, and the screenshot does not say who that group holds.[1] [7]

That afternoon I wrote to the Department of Emergency Management, set out each of those differences, and asked it to run the search my request describes.[8] It has not answered. 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)]. A search that misspells one of the five terms and starts three days late does not show that there are no requested records. The order does not mention the search.

THE WAIVER WAS NEVER DECIDED

My request asked for a waiver of all fees, with a fact for each factor the Attorney General's manual lists.[1] The Public Information Officer's letters and the invoice do not mention it.[4] [5] [6] On November 6, 2026, I sent the Department of Emergency Management a fee waiver request answering, in order, the eight questions of the State's Public Interest Threshold Evaluation Form, Exhibit C to Statewide Policy 107-001-030.[9] It is part of this petition, attached after the last page. The Department of Emergency Management has not answered it. A demand for the full fee before any work, on a request that asked for a waiver, is a denial of the waiver [ORS 192.324(6)].

THE PUBLIC INTEREST

The 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 Emergency Management writes to it about members of the public, 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.[11] On June 24, 2025, the Department of Emergency Management wrote to that list: "Good morning Everyone, for situational awareness, the Oregon Department of Emergency Management has issued a news release."[11] On March 3, 2026, another 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." The detectives investigated for three weeks. Then three men came to the citizen's door for a "knock and talk," to tell him he was "not in trouble."[12]

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. At the Department of Emergency Management, it was an invoice for $1,747.12, set before any search.

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 order the Department of Emergency Management to:

1. Find that invoice AIJ00315 for $1,747.12, set "prior to checking system records," was not a fee the statute permits, and that it denied my request [ORS 192.324(4)(a); ORS 192.411(1)].
2. Run the search my request describes, with all five terms as written, from January 1, 2023, to the date of search, every email sent to or received from either account, in every account of the Department of Emergency Management, and produce what it finds, with the query and the accounts searched, within seven days [ORS 192.407(3)(a)].
3. Waive all fees [ORS 192.324(6); ORS 192.407(3)(c)].
4. 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 Department of Emergency Management answered my request with an invoice it says "should never have been generated," and ran no search until after I petitioned.[7]

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. My petition to the Attorney General, November 4, 2026
3. The Attorney General's order, November 12, 2026, DOJ File No. 258001-GA0228-26
4. The Public Information Officer's letter, October 27, 2026, 3:10 PM
5. The Public Information Officer's letter and invoice AIJ00315, October 30, 2026, 11:56 AM
6. The Public Information Officer's letter, October 30, 2026, 2:53 PM
7. The Department of Emergency Management's letter and search screenshot, November 5, 2026
8. My letter, November 5, 2026
9. My fee waiver request, November 6, 2026
10. Attorney General's Public Records and Meetings Manual (2024), p. 18
11. The Department of Energy's production, November 4, 2026
12. The Oregon State Police production, PR27478

FEE WAIVER REQUEST

TO	Public Records Officer, Department of Emergency Management
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 requests of October 27, 2026, and November 5, 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 5, 2026
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