Nathan Vasquez, Multnomah County District Attorney

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October 7, 2025

via email only

Erika Hamilton
erika0287@gmail.com

Trevor Byrd
trevor.byrd@portlandoregon.gov

Re: Petition of Erika Hamilton seeking a public records fee waiver from the City of Portland

Dear Ms. Hamilton and Mr. Byrd:

On May 19, 2025 petitioner submitted a public records request to the City of Portland for a copy of all photo radar traffic citations certified by Portland Police Officer Goodrich, along with the photos of each driver. After some discussion between the parties, petitioner ultimately specified a date range of May 2025.

The City determined there were 6,536 responsive records that, due to issues with its vendor, would have to be accessed and exported individually. The City indicates it inquired repeatedly with its vendor about a bulk export of the data, but its vendor was not responsive. The individual exports, estimated the City, would take 300 hours and cost $29,772.

Following this estimate, petitioner submitted a petition pursuant to ORS 192.422 requesting that we order the City to grant a fee waiver and challenging the reasonableness of the amount of the fee.

For the reasons discussed below, I deny the petition.

DISCUSSION

A. Amount of Fee

The district attorney lacks the authority or ability to assess a factual claim that a fee does not accurately represent a public body's costs in responding to a public records request. *Petition of Babcock*, MCDA PRO 15-22 (2015), *Petition of Mayes*, Att'y Gen. PRO (March 29, 2000) (so holding as to the Attorney General). As such, I deny this portion of the petition without further discussion.

B. Fee Waiver – ORS 192.324

Regarding fee waivers, ORS 192.324 provides that,

> (4)(a) The public body may establish fees reasonably calculated to reimburse the public body for the public body's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the request. […]
>
> (5) 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.
>
> (6) A requester who believes that there has been an unreasonable denial of a fee waiver or fee reduction may petition the Attorney General or the district attorney in the same manner as a requester who petitions when inspection of a public record is denied […].

Waiving or reducing fees is in the public interest for purposes of a public records fee waiver "when the furnishing of the records has utility—indeed, its greatest utility—to the community or society as a whole" *In Defense of Animals v. OHSU*, 199 Or App 160, 189 (2005).

The district attorney's role in evaluating the denial of a fee waiver is to assess the objective reasonableness of a public body's decision. *Petition of Bial*, MCDA PRO 24-33 (2024) at 5 ("the legislature has granted public bodies discretion [in making fee waiver decisions], but their exercise of that discretion must be reasonable.") The City argues 1) that it reasonably balanced the substantial burden on its operations against the marginal benefit to the public's knowledge in fulfilling this request; and 2) in any event petitioner has not demonstrated the ability to meaningfully disseminate the records to the public.

Petitioner knows from this request process that Ofc Goodrich was the certifying officer for 6,536 citations in a single month. Petitioner argues this raises questions about how he could be fulfilling his duties under the law to review and certify these documents under these time constraints. Petitioner has not, however, articulated an argument as to how reviewing the details on the face of each citation (photo of the driver, name, license number, date, etc.) would inform that analysis. The City reasonably concluded that any incremental advancement of the public interest by release of the granular personal details of each ticket did not outweigh the hundreds of hours necessary to export the information and provide it to petitioner.

Separately, petitioner's communications with the City included no information about her past history of meaningfully disseminating information to the public. A demonstrated ability to meaningfully disseminate is one means by which a public body assesses whether providing the records to a particular individual will nonetheless have its "greatest utility" to the public as a whole. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2024) at p. 19 ("Regardless of how interested the public may be in the matter the requested records relate to, if the requester fails to demonstrate the ability to meaningfully disseminate the information, disclosure will not primarily benefit the public.") Petitioner responds that she is an active member of the Portland legal community, and would share this information with relevant attorneys in addition to reaching out to news outlets.

This office has previously concluded that public bodies acted reasonably in declining to accept an expressed future intent as sufficient evidence that a person could meaningfully disseminate information. *Petition of Raz*, MCDA PRO 23-93 (2023) (articulated intent to turn records over to the media did not demonstrate an ability to "meaningfully disseminate" for purposes of a fee waiver). *Petition of Zhu*, MCDA PRO 25-04 (2025) (stated future intent to create a website to publish data is insufficient to demonstrate intent to meaningfully disseminate). See also, ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2024) at 19. (citing *Judicial Watch, Inc. v. Rossotti*, 329 F.3d 1309 (D.C. Cir. 2003)) ("Regardless of how interested the public may be in the matter the requested records relate to, if the requester fails to demonstrate the ability to meaningfully disseminate the information, disclosure will not primarily benefit the public.")

ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: _____
Adam Gibbs
General Counsel

25-62