



Nathan Vasquez, Multnomah County District Attorney

1200 SW 1st Avenue, Suite 5200, Portland, OR 97204-1193
P: (503) 988-3162 | F: (503) 988-3643 | www.mcda.us

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via email only

Stephanie Schaefer, Psy.D.
drstephanieschaefer@gmail.com

sherisa davis-larry
City of Gresham
sherisa.davis-larry@greshamoregon.gov

Re: Petition of Stephanie Schaefer concerning the City of Gresham's denial of a public interest fee waiver

Dear Dr. Schaefer and ms. davis-larry:

On July 1, 2026, Dr. Schaefer submitted a public records request to the City of Gresham seeking patrol vehicle, body-worn camera, and surveillance video, together with dispatch logs and unit-assignment records, for SE 182nd Avenue near Vance Park during a half-hour window on the evening of June 25, 2026. The request arose from her report that she observed an officer use a patrol vehicle's public address system to make an inappropriate comment to a pedestrian.

The City searched and located no incident report, calls for service, body-worn camera footage, or record of officer-initiated activity matching the circumstances described. The only responsive record is footage from a single fixed camera near Vance Park that does not record audio. The City quoted a fee of \$298.46 to retrieve and produce the footage. After receiving Dr. Schaefer's answers to its fee waiver questionnaire, the City denied a waiver on the ground that the records were sought primarily for personal use. The City also referred Dr. Schaefer to the Gresham Police Department's Professional Standards Division to pursue a complaint about the underlying conduct.

On July 28, 2026, Dr. Schaefer petitioned this office, as permitted by ORS 192.324(6), arguing that the City should have granted her a fee waiver. After the City Attorney's office received the petition and conducted a more complete review of the matter, the City revisited the original decision and instead granted a 50% fee reduction.

For the reasons discussed below, I conclude that a 50% fee waiver in this case constitutes a "substantial reduction" as contemplated by ORS 192.324(4) and the City's decision not to grant a full waiver was within its reasonable discretion.

DISCUSSION

ORS 192.324(5) provides that,

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.

A fee waiver serves the public interest only when “the furnishing of the record has utility—indeed, its greatest utility—to the community or society as a whole,” as distinct from “a concern or interest of a private individual or entity.” *In Defense of Animals v. OHSU*, 199 Or App 160, 188-89 (2005). On review, this office does not substitute its judgment for the City’s; it determines only whether the City’s exercise of discretion was objectively reasonable. *Id.* at 190 (“notwithstanding the legislature’s conferral of discretion on the public body, the public body’s decision whether to grant or deny a fee waiver or reduction must be reasonable”); *Petition of Bial*, MCDA PRO 24-33 (2024) (“the legislature has granted public bodies discretion, but their exercise of that discretion must be reasonable.”)

Dr. Schaefer’s posture differs from that of most requesters who petition this office after the denial of a fee waiver. She seeks no records concerning herself, her family, or any legal dispute to which she is a party. She witnessed an interaction between an officer and a stranger in a public place, found the officer’s reported statement alarming, and set out to raise it through the complaint process the City itself maintains for that purpose. The premise that a complaint to the City about the conduct of one of its officers serves only the complainant may in some situations be valid, but that premise does not fit these facts.

The fee waiver statute does not, however, present an all-or-nothing choice. ORS 192.324(5) contemplates two responses to a request whose fulfillment would serve the public interest: furnishing the records “without charge or at a substantially reduced fee.” The 50% reduction the City has granted is substantial. We have upheld lesser reductions as reasonable exercises of the same discretion. *Petition of Ocean Plot*, MCDA PRO 26-01 (2026) (25% reduction was within the range of legally permissible options); *Petition of Raz*, MCDA PRO 23-93 (2023) (waiving 30% of fees on records concerning police accountability was reasonable); *Petition of Cashman*, MCDA PRO 22-32 (2022) (upholding a 35% reduction).

In calibrating a waiver or reduction, a public body appropriately considers “(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.” ATTORNEY GENERAL’S PUBLIC RECORDS AND MEETINGS MANUAL (2024) at 20. The only record at issue is video from a single fixed camera that captures no sound. Because the conduct Dr. Schaefer seeks to address is a spoken statement, the footage can neither corroborate nor rebut her account. Nor is the footage necessary to set the complaint process in motion: the City states that it has enough information to determine which officer may have been involved in the alleged incident, and that the footage would not assist that identification.

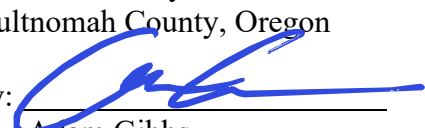
The City could reasonably conclude from these facts that furnishing this particular record would advance the accountability interest Dr. Schaefer invokes only modestly, and that a substantial reduction, rather than a complete waiver, adequately balanced the public interests involved.

ORDER

Accordingly, in light of the reduction the City has now granted in this case, the petition seeking a complete waiver of fees is denied.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 

Adam Gibbs

General Counsel

26-56