

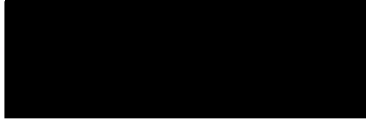


**PATRICIA W. PERLOW**  
LANE COUNTY DISTRICT ATTORNEY

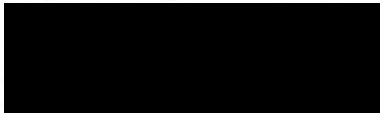
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November 6, 2023

David Bahr



Ben Miller  
City of Eugene  
City Attorney's Office



Re: *Public Records Request*

Mr. Bahr and Mr. Miller,

This letter will constitute the District Attorney's Order in this matter.

Mr. Bahr represents two clients (Beckers). On July 25, 2023, Mr. Bahr submitted a public records request to the City of Eugene (City). The request was for various documents (items 1-18) related to a 1986 missing person case.

On August 30, 2023, the City provided a detailed response to each item. In summary, the City indicated it was in possession of some of the items requested by the Beckers. The City provided a cost estimate of \$360.23. This amount was reduced from the original amount of \$480.30. The City indicated it would begin processing the request upon receipt of the payment.

The City and Mr. Bahr continued to correspond, and on September 18, 2023, the City advised Mr. Bahr that if payment was not received within 60 days, the request would be closed.

Mr. Bahr filed an appeal. The appeal appears to contest both the denial of a fee waiver, and a denial of the request itself.

A requestor of public records has a right to appeal the denial of a fee waiver. ORS 192.324(6). In reviewing such a denial, the District Attorney must weigh the amount of the fee against the general public interest in making the document available. From my

review of the documents and given the age of the records, the City's assessment of the \$360.23 fee is reasonable.

Regarding the assertion that the request itself has been denied. It appears that the Beckers have until November 20, 2023, to pay the fee. Therefore, at this time, the City has not denied the request.

Regarding the denial of a fee waiver, the appeal is denied.

Regarding the denial of the request itself, the appeal is denied as being untimely. Upon the expiration of the City's deadline, the Beckers may file a further appeal. If the Beckers choose to receive the records offered by the City, they may file a further appeal if they believe some records have been improperly withheld.

Sincerely,

PATRICIA W. PERLOW, District Attorney

  
Robert D. Lane  
Deputy District Attorney