



**PATRICIA W. PERLOW**  
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March 24, 2023

Hannah Seibold



Erin M. Pettigrew  
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Re: *Public Records Appeal*

Ms. Seibold and Ms. Pettigrew,

The following will constitute the District Attorney's order in this matter.

On January 26, 2023, Ms. Seibold made two public records requests to Lane County.

The County responded with estimates of \$2,440.21 for request #1 and \$978.46 for request #2.

Ms. Seibold filed an appeal with the District Attorney. The appeal makes a number of assertions against the County and asks the District Attorney to order the County to take a number of actions. The only matter that will be considered in this appeal are the claims regarding unreasonable fees, and a fee waiver.

ORS 192.324(4)(a), allows a public body to charge a fee reasonably calculated to reimburse the public body for the actual cost of providing the records. ORS 192.324(5) allows a public body to waive or reduce fees, if it is determined that providing the records primarily benefits the general public. However, the public body is not required to do so.

ORS 192.324(6), allows a person to appeal a denial of a fee waiver to the District Attorney. Likewise, a person can appeal the assessment of unreasonable fees, asserting that this constitutes a denial of access to the records.

Regarding the amount of the fees, the County has provided an estimate of the amount of staff time to produce the records, and the cost of that time. This is only an estimate, and

if the actual cost turned out to be a lesser amount, presumably Ms. Seibold would be charged the lower amount. I do not find that the County's estimate is unreasonable.

In the County's response to the appeal, the County points out that regarding request #1, that Ms. Seibold did not request a fee waiver. Regarding request #2, Ms. Seibold did request a fee waiver, but the County asserts Ms. Seibold did not follow up with the County after receiving the initial estimate. The County also asserts it has insufficient information to assess whether a fee waiver is in the public interest. I have reviewed the appeal document, and likewise I do not find sufficient information to determine that a fee waiver is in the public interest. It appears the records are related to the County's response to the homelessness issue. Clearly this is an issue of public interest. However, the issue presented to the County is whether the production of the records primarily benefits the public. On the record before me, I cannot find that the County has abused its discretion.

Therefore, the appeal is denied.

Sincerely,

PATRICIA W. PERLOW, District Attorney



Robert D. Lane  
Deputy District Attorney