



John Hummel District Attorney

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Cary Colaianni
Legal Counsel
Deschutes County Sheriff's Office
Cary.Colaianni@deschutes.org

Michael Satcher
Central Oregon Peacekeepers
mikesatcher@gmail.com

Dear Mr. Satcher and Mr. Colaianni:

On September 25, 2020, pursuant to Oregon's public records law, Mr. Satcher filed an appeal with my office contesting the Deschutes County Sheriff's Office's denial of his request for a public interest fee waiver for his August 31, 2020 public records request. On October 1, 2020, Deschutes County Sheriff Shane Nelson indicated in writing that the denial of Mr. Satcher's fee waiver request was a decision of the Sheriff himself.

The Deschutes County Sheriff's Office argues in their brief that the proper jurisdiction for consideration of this appeal is the Deschutes County Circuit Court. Because Sheriff Nelson himself has denied the fee waiver request (as opposed to a staff member of the Sheriff's Office), and because Sheriff Nelson is an elected official, Oregon Revised Statutes 194.324(6) and 192.427 mandate the appeal petition filed by Mr. Satcher "shall not be considered" by me. Rather, in situations such as this in which the elected Deschutes County Sheriff himself denies a fee waiver request, appeals must be filed with the Deschutes County Circuit Court. Consequently, I will not consider Mr. Satcher's appeal, and this matter is closed.¹

Sincerely,

John Hummel
District Attorney

¹ It is worth noting that I was perplexed by the Deschutes County Sheriff's Office's argument that Mr. Satcher's August 31, 2020 public records request appeared to be "a fishing expedition with no real purpose motivating the search except possibly bad faith." The allegation that Mr. Satcher acted in bad faith is without merit and unprofessional. The Deschutes County Sheriff's Office was informed by Mr. Satcher that the reason for his most recent request is his belief that certain responsive documents were improperly withheld by the Sheriff's Office when they responded to his previous request.