



John Hummel District Attorney

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April 9, 2019

Brett Abel
Orcutt, CA
SENT VIA EMAIL ONLY: Brett@BrettAbel.com

Steve Bryant
Legal Counsel for the City of Redmond
Bryant Emerson LLP
Redmond OR
SENT VIA EMAIL ONLY: sbryant@redmond-lawyers.com

Dear Brett and Steve:

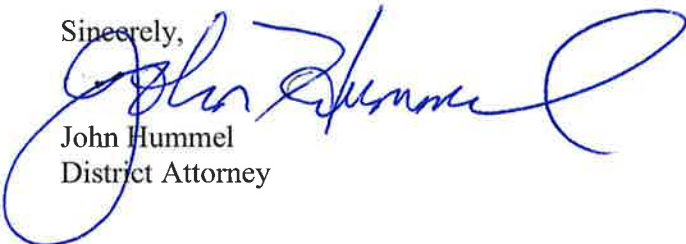
On February 15, 2019, pursuant to ORS 192.324(6), Mr. Abel, on behalf of his client Michael Davis, filed with me a petition seeking review of the City of Redmond's denial of the fee waiver request he submitted to the City. Mr. Abel's client sought public records related to his contacts with Redmond police officers and Redmond quoted him a price of \$80.00 to receive the records.

Pursuant to ORS 192.411, I was required to issue my decision within seven days of receiving the petition. Due to neglect, I missed this deadline. My failure to issue a decision within seven days: "shall be treated as an order denying the petition for the purpose of determining whether a person may institute proceedings for injunctive or declaratory relief under ORS 192.401, 192.411 or 192.415." ORS 192.418

If I had reached the merits of this petition I would have considered relevant guidance from the Attorney General regarding an analogous public records request: "[I]f a requester seeks records relating to the requester, a mere allegation that the public body has treated the individual oppressively, absent a broader public interest, does not satisfy the public interest standard." *Attorney General's Public Records and Meetings Manual 2014, p. 21, section I.D.6.b.2.a. (citing Conklin v. U.S., 654 F Supp 1104 (D Colo 1987) (applying pre-1986 statute); Badhwar v. United States Dept. of Air Force, 615 F Supp 698 (D DC 1985), aff'd in part and vacated in part, 829 F2d 182 (DC Cir 1987))*. I do not know how I would have ruled if I did reach the merits, but share this authority now for the benefit of the parties, and the court if Mr. Davis files an appeal in Circuit Court.

I apologize to the parties for missing the statutory deadline to render a decision.

Sincerely,


John Hummel
District Attorney