



PATRICIA W. PERLOW
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April 22, 2020

Marc Thielman
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Stephen Dingle
Lane County
County Counsel
Stephen.dingle@lanecountyor.gov

Dear Mr. Thielman

On January 20, 2020, Mr. Thielman submitted a public records request to Lane County for:

"...copies of any email correspondence between the following parties: Deputy Richard Smith, Sgt. Greg Rice, Lt. Halverson, S. Graffe, Deputy Hill, Cliff Harold and Sheriff Trapp that contain or make reference to or addresses Marc Thielman, case #527124, Discovery/records requests, and complaints filed 12/13/2017, 2/13/18, or subsequent inquiries. This correspondence ranged from Oct 1 of 2017-March 30 of 2018."

On January 16, 2020, the County responded to the request stating that it intended to charge a fee of \$347.03 to process the request. In a subsequent email, Mr. Thielman requested an explanation for the fee. On January 21, 2020, the County provided a detailed explanation of the proposed charges entailed.

Over the subsequent weeks, Mr. Thielman and the County exchanged a number of emails regarding the required charges. In a nutshell, Mr. Thielman requested a waiver of the fees, and the County denied that request. Ultimately, pursuant to ORS 192.329, the County considered the records request closed or suspended.

On April 22, 2020, Mr. Thielman submitted an appeal to the District Attorney. The appeal does not specifically state what issue Mr. Thielman wants reviewed, but I will treat the request as an appeal of a denial of a request for a fee waiver, pursuant to ORS 102.324.(6).

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.

From an examination of the documents submitted by Mr. Thielman along with his appeal, it appears that Mr. Thielman wants these documents for personal reasons. Those reasons may be perfectly legitimate. However, personal reasons do not equate with the general public interest.

Therefore, it is the decision of the District Attorney that the fees are not excessive, and that the public records request is not in the general public interest. Therefore, the appeal is denied.

Sincerely,

PATRICIA W. PERLOW, District Attorney

s/ Robert D. Lane
Robert D. Lane
Deputy District Attorney