



## Nathan Vasquez, Multnomah County District Attorney

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December 9, 2025

*via email only*

Kevin Warren  
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Trevor Byrd  
Deputy City Attorney  
[trevor.byrd@portlandoregon.gov](mailto:trevor.byrd@portlandoregon.gov)

Re: Petition of Kevin Warren seeking an order compelling the City of Portland to respond to a public records request

Dear Mr. Warren and Mr. Byrd:

On December 2, 2025, Mr. Warren submitted a petition under ORS 192.407 asking me to order the City of Portland to respond to a public records request. On October 30, 2025, while in a discussion with City of Portland permitting officials, Mr. Warren included the following in an email to them:

**This correspondence also serves as a formal Public Records Request under ORS 192.324.**

Please provide a **substantive written response** via email that includes either:

- The **specific Council-approved record** authorizing this fee for no-plan-review permits, or
- A clear written statement that no such record exists.

Omitting much back-and-forth not relevant to the question here, the City instructed petitioner to submit his public records request through its online request portal and that it would process it after he had done so. He refused, asserting that the City's policies are inconsistent with State law, that it was required to process the request however it received it, and that it had exceeded the permissible timeline for a response.

I conclude that, although the individual the City identified in its procedure as the proper recipient of a public records request for this bureau was copied on petitioner's email, the request posed a question to the City and thus was not something to which the Oregon Public Records Law required the City to respond.

This office and the Attorney General have previously determined that requests seeking the legal support for a position or statement is not a public records request to which a public body must respond. In *Petition of Strachan*, MCDA PRO 23-157 (2023), we wrote:

Here, petitioner has identified two statements that representatives of the City have made to media and has asked the City to provide the legal support for those

statements. It is clear from the request to the City that petitioner does not think there is any legal support for these statements as he states “exhaustive prior records requests and investigations by both me and the Oregonian yielded no such thing.” Confirming or refuting petitioner’s legal conclusions would require the City to analyze the law and its policies and subjectively determine which, if any, of them provide support for the quoted statements.

We find the Attorney General’s opinion in *Andrade* [Att’y Gen PRO (5/26/2005)] directly on point. In that case, a records requestor sought to have Oregon Department of Motor Vehicles provide him the provision of Oregon law that supported a particular statement DMV had published in a pamphlet. The Attorney General denied the petition, “because responding to your request would require DMV to answer questions [...] by engaging in legal research, something not required by the Public Records Law[.]” *Andrade* at p.2.

The official actions of the Portland City Council are publicly available on the City’s website. The request, although framed in terms of a document, really asked the City to sift through the already publicly available documents and identify which it believes supports its actions in this case. This is precisely what the Attorney General stated in *Andrade* that a public body is not required to do. This office has concurred in that interpretation of the law. See, *Petition of Alan Kessler*, MCDA PRO 22-81 (2023) (request for “the time logs ... for the police officer who shot [name] on October 14, 2022” was a question, not an actionable public records request despite framing that it sought a document) and *Petition of Merrick*, MCDA PRO 16-05 (2016) (“a person does not alter the essential nature of a question by framing it in terms of public records.”)

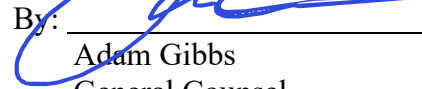
Because the Oregon Public Records Law did not require the City to respond to petitioner’s October 30, 2025 email, I have no authority to adjudicated anything relating to the City’s response, or lack thereof.

## ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ  
District Attorney  
Multnomah County, Oregon

By:   
Adam Gibbs  
General Counsel