



## Nathan Vasquez, Multnomah County District Attorney

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January 16, 2026

*via email only*

Barbara Spears  
[barbaraspearsmail@gmail.com](mailto:barbaraspearsmail@gmail.com)

Veronica Rodriguez  
Assistant County Attorney  
[veronica.rodriguez@multco.us](mailto:veronica.rodriguez@multco.us)

Re: Petition of Barbara Spears seeking a fee waiver for provision of 10 years of Multnomah County Animal Services financial records

Dear Ms. Spears and Ms. Rodriguez:

On November 10, 2025, Ms. Spears submitted a public records request to Multnomah County for a decade's worth of financial records for five specified Animal Services Designated Funds.<sup>1</sup> Designated Funds are restricted-use accounts that permit individuals to donate money to Multnomah County Animal Services in a way that it can only be used for a particular purpose. Multnomah County Resolution [No. 2015-024](#). The County timely acknowledged the request and, on November 18, 2025, issued a fee estimate of \$2,063 for the 19.5 hours it anticipated needing to compile and produce the records.

A month later, on December 19, 2025, Ms. Spears requested a public interest fee waiver. In the fee waiver request Ms. Spears stated that the cost was prohibitive and that the request was in the public interest because the residents of the county "deserve to know how their donations [are] helping County animals."

On January 5, 2026 the County denied the fee waiver because the fee waiver request did not include information from which the County could reasonable conclude that furnishing these records to Ms. Spears would have its "greatest utility to the community or society as a whole."

On January 6, 2026 Ms. Spears petitioned this office, as permitted by ORS 192.324(6), seeking an order compelling the County to grant a fee waiver.

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<sup>1</sup> The full request read:

Please provide detailed income and expense reports for the year 2016 to date for each of the five Animal Services Designated Funds:

1. Adoption & Outreach
2. Dolly's Fund
3. Kitten Triage Program
4. Shelter Dreams
5. Spay & Neuter Community Outreach Fund

For the reasons discussed below, I deny the petition.

## DISCUSSION

### A. Fee Waiver – ORS 192.324(5)

ORS 192.324(5) provides that,

The custodian of a public record may furnish copies without charge or at a substantially reduced fee if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.

The fee waiver statute sets out a two-step analysis. First, the public body must determine if releasing the record would primarily benefit the general public. If yes, then the body may elect to waive its fees. *Petition of Brosseau*, MCDA PRO 17-21 (2017). The Attorney General has advised that in exercising its discretion on the second step an agency should consider “(1) the character of the public interest in the particular disclosure, (2) the extent to which the fee impedes that public interest, and (3) the extent to which a waiver would burden the public body.” PUBLIC RECORDS AND MEETINGS MANUAL (2024) at 20.

In reviewing an agency’s decision to deny a fee waiver, the district attorney may only determine whether the agency’s exercise of discretion was objectively reasonable; this office may not substitute its judgment for that of the agency. *In Defense of Animals v. OHSU*, 199 Or App 160, 190 (2005) (“notwithstanding the legislature’s conferral of discretion on the public body, the public body’s decision whether to grant or deny a fee waiver or reduction must be reasonable. Reasonableness is an objective standard, under which we examine the totality of the circumstances presented”); *Petition of Bial*, MCDA PRO 24-33 (2024) (“Our role is not to select in the first instance which of multiple reasonable options this office believes best, but rather to evaluate whether or not the decision of the public body was among the reasonable options available. As *In Defense of Animals* instructs: the legislature has granted public bodies discretion, but their exercise of that discretion must be reasonable.”)

The public interest articulated by petitioner to the County was conclusory: “[m]any Multnomah County Citizens deserve to know how their donations [are] helping County animals.” While undoubtedly true, a baseline interest in governmental transparency is why the public records law exists in the first place. Something more, and specific to the particular requestor and particular records, is needed to show that release would primarily benefit the public at large. The County weighed the significant burden of producing a decade’s worth of financial records against a generic argument in favor of governmental transparency, from a non-media requestor, and determined it would not grant a fee waiver.

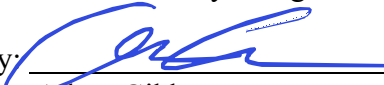
Applying the objective reasonableness standard of review in ORS 192.324(6), I conclude that the County’s fee waiver decision here was within the range of legally permissible options under ORS 192.324(5).

**ORDER**

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ  
District Attorney  
Multnomah County, Oregon

By:   
Adam Gibbs  
General Counsel

26-02