



Nathan Vasquez, Multnomah County District Attorney

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July 17, 2026

via email only

Ray Kolberg
yargreblok@frontier.com

Veronica Rodriguez
Assistant County Attorney
Multnomah County
veronica.rodriguez@multco.us

Re: Petition of Ray Kolberg seeking a fee waiver for records concerning his volunteer service with Multnomah County Animal Services

Dear Mr. Kolberg and Ms. Rodriguez:

On May 21, 2026, Mr. Kolberg submitted a public records request to Multnomah County Animal Services seeking:

a copy of my complete contents of my volunteer file for all the years that I volunteered at MCAS, which is from the year 2010 to 2026. This would include, but is not limited to, any disciplinary actions, awards, performance reviews, memoranda, training, all comments by staff, other MCAS volunteers and customers. I request a copy the current MCAS "Volunteer Handbook" as well as the previous version of the MCAS "Volunteer Handbook." I request a copy of all emails related to me and to any other MCAS volunteers that were terminated or "fired," including from the email accounts of MCAS Director Erin Grahek and Volunteer Coordinator Tara from June 1, 2024 to May 21, 2026.

He requested a full waiver of fees, stating that he would share the records with other agency volunteers, the news media, and on social media.

On June 2, 2026, the County issued a fee estimate of \$152.84 and denied the fee waiver, concluding that the public interest asserted "would not benefit the community or society as a whole, but would rather primarily affect a private individual or group of private individuals."

On July 9, 2026, Mr. Kolberg petitioned this office, as permitted by ORS 192.324(6), seeking an order compelling the County to grant the fee waiver.

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.

A fee waiver serves the public interest only when “the furnishing of the record has utility—indeed, its greatest utility—to the community or society as a whole.” *In Defense of Animals v. OHSU*, 199 Or App 160, 189 (2005). On review, this office does not substitute its judgment for the County’s; it determines only whether the County’s exercise of discretion was objectively reasonable. *Id.* at 190 (“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”); *Petition of Bial*, MCDA PRO 24-33 (2024) (“the legislature has granted public bodies discretion, but their exercise of that discretion must be reasonable.”)

Mr. Kolberg provides the following argument in support of a public interest fee waiver:

It is in the public interest to know why after 16 years of volunteer service to MCAS, I was fired without previous warning and with no reason given to me. MCAS has about 400 volunteers, who are voters and taxpayers, that give thousands of hours of labor at a value of hundreds of thousands of dollars to MCAS. The fact that any volunteer may be subject to termination without no due process is in the public interest. These records will further educate each of the Multnomah County Commissioners and the news media about another problematic issue within this high-profile Department. Additionally, the current Director of MCAS, Erin Grahek is leaving August 31st and her job position posting has just closed. An informed new Director will be able to affect positive changes in Human Resources/ volunteer process and related policies. For these reasons a full fee waiver is in the public interest.

The prior decisions of this office and the Attorney General are in agreement that a person seeking records of their own interaction with a public body is advancing a private, not public, interest. *Petition of Shore*, MCDA PRO 17-53 (2017) (request relating to a “discrete incident involving [requestor] and the public agency” was a “quintessential personal interest request”); *Petition of Covington*, MCDA PRO 24-60 (2024) (allegation that a public official violated the requestor’s rights does not establish a public interest); ATTORNEY GENERAL’S PUBLIC RECORDS AND MEETINGS MANUAL (2024) at 19 (“If 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.”)

A demonstrated ability to meaningfully disseminate is one means by which a public body assesses whether providing the records to a particular individual will nonetheless have its “greatest utility” to the public as a whole. ATTORNEY GENERAL’S PUBLIC RECORDS AND MEETINGS MANUAL (2024) at 19 (“Regardless of how interested the public may be in the matter the requested records

relate to, if the requester fails to demonstrate the ability to meaningfully disseminate the information, disclosure will not primarily benefit the public.”) Petitioner’s records request stated his intent to “share this information with other MCAS volunteers, the news media, including the Oregonian, Willamette Week, The Mercury, KOIN, KATU, KGW, KPTV, KXL, KBOO, Oregon Public Broadcasting and various social media.”

This office has previously concluded that public bodies acted reasonably in declining to accept an expressed future intent to release documents to the media as a basis to waive fees. *Petition of Raz*, MCDA PRO 23-93 (2023) (articulated intent to turn records over to the media did not demonstrate an ability to “meaningfully disseminate” for purposes of a fee waiver). *Petition of Zhu*, MCDA PRO 25-04 (2025) (stated future intent to create a website to publish data is insufficient to demonstrate intent to meaningfully disseminate).

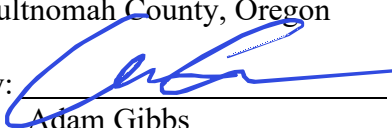
Applying the objective reasonableness standard of review in ORS 192.324(6), I conclude that the County’s decision to deny the fee waiver was within the range of legally permissible options.

ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 

Adam Gibbs
General Counsel