



Nathan Vasquez, Multnomah County District Attorney

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July 23, 2026

via email only

Christina Angelica DeMonaco-Davin
ca.demonaco.davin@gmail.com

Michael Porter
Miller Nash LLP
mike.porter@millernash.com

Re: Petition of Christina Angelica DeMonaco-Davin challenging David Douglas School District's denial of a public interest fee waiver

Dear Ms. DeMonaco-Davin and Mr. Porter:

Ms. DeMonaco-Davin submitted a request to the David Douglas School District under the Oregon public records law on June 12, 2026, seeking, among other records, the internal and external communications among Multnomah Early Childhood Program staff and others that name or refer to her son, herself, and other members of her family. On June 22, 2026, the District's Director of Administrative Services estimated the cost of responding to the communications portion of the request at \$12,624 to \$21,040 and requested a deposit of \$6,312. On June 29, 2026, DeMonaco-Davin narrowed the custodians and search terms and asked the District to waive all fees on public interest grounds. On July 14, 2026, the District denied the waiver under ORS 192.324(5), stating that the request did not fall within the parameters under which a waiver is warranted.

DeMonaco-Davin petitioned this office on July 15, 2026, as permitted by ORS 192.324(6), arguing that the records concern the District's compliance with federal disability law and that the required deposit is a practical barrier to access given her household's financial circumstances. The District, through counsel, responds that a waiver would serve only the petitioner's private interest in her family's individual dispute with the District, including her anticipated lawsuit against it, and asks that the petition be denied.

For the reasons below, I deny the petition.

DISCUSSION

Petitioner and the District both address whether certain of the communications at issue are "education records" that federal law requires the District to produce without charge to a student or their parent. Whether a particular record is an education record for this purpose is a matter of federal law, not one I decide under ORS 192.311 to 192.478. For purposes of this petition it is enough that the requested communications are public records, exempt or not as they may be, and that the District may charge a fee reasonably calculated to reimburse its actual cost of making them

available when producing them under that framework. ORS 192.324(4). The only question for me to decide is whether the District's decision to deny the fee waiver was objectively reasonable.

A public body may waive or reduce its fees "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." ORS 192.324(5). That standard is met "when the furnishing of the record has utility—indeed, its greatest utility—to the community or society as a whole," as distinct from "a concern or interest of a private individual or entity." *In Defense of Animals v. OHSU*, 199 Or App 160, 188-89 (2005).

By her own description, the records petitioner seeks are the communications that name or refer to her son, herself, another family member, and their educational advocate. Her stated purpose is to evaluate how the District handled her son's case, and she has given the District notice of her intent to file a tort claim arising from that handling. This office has consistently concluded that such interests are not subject to fee waiver.

Unlike in *ACLU v. City of Eugene*, 360 Or 269 (2016)], here no one has pointed to any notable media coverage of this case, there has been no formal public review akin to the CRB, and the requestor is personally involved, rather than a media or non-profit advocacy organization. The later point is particularly compelling in this case. That a requestor seeks records pertaining to themselves, their family, or their business is strong, and usually dispositive, evidence that the interest advanced by release is primarily a private interest.

Petition of Capone, MCDA PRO 25-53 (2025).

A request whose primary use is to advance the requester's own dispute with the agency is the paradigm of "a concern or interest of a private individual," not a benefit to the general public. 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.")

Recasting the request as one about the District's compliance with federal disability law does not supply the missing public benefit. Almost any parent's dispute with a public school over the services provided to their own child could be described as bearing on the district's civil rights obligations. The standard requires more than a generalized invocation of compliance; it requires that the records' greatest utility run to the community as a whole. *In Defense of Animals*, 199 Or App at 189.

Petitioner's remaining argument is that the required deposit, set against her documented financial hardship, is an insurmountable barrier to obtaining the records. Without a demonstrated public interest, that a fee is a barrier to access does not require a fee reduction.

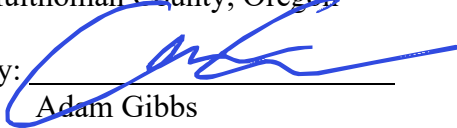
On this record the District's denial of a public interest fee waiver was not unreasonable. To the extent petitioner contends that federal law independently requires the District to produce education records without charge, that contention lies outside my authority under the Oregon public records law.

ORDER

Accordingly, the petition is denied.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 

Adam Gibbs
General Counsel