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via email only

Ramin Farahmandpur, Ph.D.
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Melissa Lehane Rawlinson
Miller Nash LLP
Attorneys for Portland State University
melissa.rawlinson@millernash.com

Re: Petitions of Ramin Farahmandpur concerning Portland State University's denial of public interest fee waivers or reductions

Dear Dr. Farahmandpur and Ms. Rawlinson:

Dr. Farahmandpur is a professor in the College of Education at Portland State University. In the spring of 2026 the University undertook a faculty retrenchment under Article 22 of its collective bargaining agreement with the PSU chapter of the American Association of University Professors (PSU-AAUP), and in May 2026, it notified him that his position had been selected for elimination. On May 26, 2026, he requested from the University the records of that selection. The University produced roughly 2,000 pages; its withholdings were the subject of *Petition of Farahmandpur*, MCDA PRO 26-59 (2026). It then agreed to run a further search, Query A, using the same criteria as the original pull but excluding Dr. Farahmandpur's name and position number "to filter out any records associated with you." On August 21, 2026, it estimated the cost of that search at \$1,555.17 and denied a fee waiver.

On August 5, 2026, Dr. Farahmandpur requested aggregate counts of College of Education faculty by race, gender, tenure status, and rank on November 1, 2025 and May 14, 2026; the same counts for his own department and one other; and the same counts for the faculty who received Article 22 layoff notices on May 14, 2026. The University itemized the request as 32 queries at \$91.94 each and denied a waiver, citing the burden of the work needed to perform them. Dr. Farahmandpur opted to pursue 14 of them at a cost of \$1,287.16.¹

Dr. Farahmandpur petitioned this office on September 8 and 9, 2026, as permitted by ORS 192.324(6), challenging the University's denial of each fee waiver. He argues that burden is not a ground the statute recognizes; that a personal interest ground cannot apply to a search that excludes his name or to counts that name no one; that the retrenchment is a matter of public concern; and

¹ Dr. Farahmandpur also challenges the accuracy of this estimate, arguing that it prices four breakdowns of a single roster extract as four hours of work and charges for queries whose results the University expects to withhold.

Whether an estimate accurately states the University's cost is not a question I may reach. *Petition of Kessler*, MCDA PRO 23-156 (2023) (no authority "to review the factual accuracy or reasonableness of a public body's fee estimate.")

that the University unreasonably refused any reduction. For the reasons discussed below, I deny both petitions.

DISCUSSION

A public body may charge for the work of responding to a public records request. ORS 192.324(4)(a) authorizes fees “reasonably calculated to reimburse the public body for the public body’s actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records.” The default under ORS 192.324 is that the requester pays the costs associated with fulfilling their request.

However, ORS 192.324(5) permits a custodian to waive or substantially reduce its 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 question it poses is not whether records will be disclosed. The question is who pays for the work of producing them: the public at large, because the public at large primarily benefits, or the requester, because they do. The public can pay for production 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).

A person who believes a public body has unreasonably denied a fee waiver request may petition the district attorney for review. ORS 192.324(6). On review, I do not substitute my judgment for the University’s; I determine whether its decision was objectively reasonable. *Petition of Bial*, MCDA PRO 24-33 (2024).

Both requests in this case seek information directly or contextually pertaining to the elimination of Dr. Farahmandpur’s position. Query A is his original search run again without his name. The demographic request is built around the same event: one of its snapshot dates is the date of the layoff notices, its department-level counts are for his own department, and its third item is the composition of the nine-member notice group to which he belongs. Its stated purpose is to learn “whether a public body’s employment actions fall evenly across its workforce.”

A requester seeking records relating to their own relationship with a public body has a difficult road ahead of them in seeking a fee waiver. Most public bodies will reasonably conclude that such requests advance primarily a private interest. *Petition of Capone*, MCDA PRO 25-53 (2025) (“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.”) Public employees may use the public records law to seek information relating to their own employment. However, in all prior petitions addressing fees in this context, this office has found it reasonable for the public body to not spend public money to supply that information. *Petition of Kahn*, MCDA PRO 26-58 (2026) (records of the requester’s own performance review and discipline); *Petition of Issalmou*, MCDA PRO 25-24 (2025) (records of selection processes for positions the requester unsuccessfully sought); *Petition of Ash*, MCDA PRO 24-05 (2024) (records of the requester’s own discipline and termination, sought to “hold [the public body] publicly accountable for its discriminatory practices”).

Dr. Farahmandpur’s principal argument is that this line of decisions does not apply to a search that excludes his name or data that include no names. That the data sought are institutional

records, in part already published, goes to whether they must be disclosed and not to who pays to compile them. It was not unreasonable for PSU to evaluate the benefit to the public at large of providing these records to this requester in the relevant context. The inclusion or exclusion of the requester's name is not a litmus test for benefit to the public at large, even if it has sometimes been used as a helpful shortcut.

Dr. Farahmandpur argues that this office has already found the public interest he relies on in Order 26-59. In that order I directed the University to release two records it had withheld. I concluded that the interest in encouraging frank communication between officials did not outweigh the public interest in disclosure. Dr. Farahmandpur's account of the disposition is accurate, but it misunderstands what was being balanced. I stated that "the public interest in disclosure of these particular records to this particular requestor is also minimal." *Farahmandpur*, MCDA PRO 26-59. Facing a minimal risk of deterring frank communication and a minimal public interest in disclosure, that balance broke in favor of disclosure. This does not meaningfully inform the different interests that must be balanced under ORS 192.324(5).

Lastly, Dr. Farahmandpur argues the burden of producing records is an impermissible basis to deny a fee waiver. Burden is a relevant factor for a public body to consider in balancing its stewardship of public funds against the benefit to the public of producing records. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2024) at 20 (a public body 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.") This office has reached the same conclusion. *Petition of Sarich*, MCDA PRO 19-40 (2019) ("even if [a] request is in the public interest, a public body is entitled to exercise its discretion to balance that interest against the burden on the body in fulfilling the request.") PSU concluded that the search and review would be burdensome and that release of the resulting records to Dr. Farahmandpur would not primarily benefit the public. It balanced a high burden against a low public interest and denied a fee waiver. This is exactly what ORS 192.324(5) contemplates.

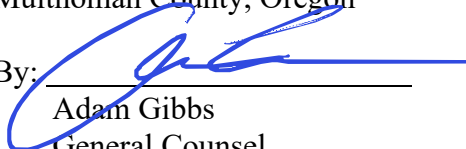
On this record I find that Portland State University's exercise of discretion to not waive or reduce its fee for these two public records requests was objectively reasonable.

ORDER

Accordingly, the petitions are denied.

Regards,

NATHAN VASQUEZ
District Attorney
Multnomah County, Oregon

By: 
Adam Gibbs
General Counsel