



MICHAEL D. SCHRUNK, District Attorney for Multnomah County
600 County Courthouse • Portland, Oregon 97204-1193 • (503) 248-3162

October 27, 1998

MARTA GUEMBES
HISPANIC PARENTS Association
P.O. BOX 16076
PORTLAND OR 97292

BRUCE B. SAMSON
GENERAL COUNSEL
PORTLAND PUBLIC SCHOOLS
501 NORTH DIXON STREET
PORTLAND OR 97208-3107

Re: Petition of Marta Guembes, for the Hispanic Parents Association, October 19, to disclose certain records of the Portland Public Schools

Dear Ms. Guembes and Mr. Samson:

BACKGROUND

On this public records petition, ORS 192.410 et. seq., petitioner Marta Guembes, for the Hispanic Parents Association, and Carrie Bauske, for the Community Monitoring Advisory Coalition, requests the District Attorney to order the Portland Public Schools and its employees to produce a copy of the following records:

Copies of all financial transactions for project SABE.

According to correspondence provided by petitioner, SABE is a Title VII bilingual education project at Beach school. Petitioner requested various documents of Edith Wilson, Assistant Superintendent, on September 8, 1998. Petitioner was provided with much of her request but did not receive information on the budgetary activities of the SABE project. After two letters of inquiry to the School District on October 6 and October 8, petitioner made this public records request.

On October 20, 1998, School District General Counsel Bruce Samson advised this office by telephone that the School District would not be claiming any exemption from disclosure and asked for a reasonable time to gather the requested documents. Petitioner was advised of the District's position.

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On October 23, the District Attorney's Office received a fax from Mr. Samson confirming its agreement to provide the financial records of the SABE project. Mr. Samson's letter is attached. Mr. Samson has indicated the estimated cost of compiling these records at \$150.

As petitioner is aware, the policies and regulations of the Portland Public Schools provides for the payment of photocopying costs and "reasonable staff time to locate, separate, photocopy, return documents to file, and prepare and/or mail public records to requestors." 1.80.040 (attached).

The Oregon Public Records Law allows a public agency to "establish fees reasonably calculated to reimburse it for its actual cost in making such records available." ORS 192.440(3). The public agency may provide the records without charge or at a substantially reduced fee "if the custodian determines that the waiver or reduction is in the public interest because making the record available primarily benefits the general public." ORS 192.40 (4).

ORDER

Accordingly, it is ordered that the Portland Public Schools promptly disclose all records sought in the above petition. Disclosure of the documents ordered is subject to payment of the Schools District's fee, if any, not exceeding the actual cost in making the information available, consistent with ORS 192.440.

Very truly yours,

MICHAEL D. SCHRUNK
District Attorney
Multnomah County


by: John K. Hoover, OSB 72125

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NOTICE TO PUBLIC AGENCY

Pursuant to ORS 192.450(2), 192.460 and 192.490(3) your agency may become liable to pay petitioner's attorney fees in any court action arising from this public records petition (regardless whether petitioner prevails on the merits of disclosure in court) if you do not comply with this order and also fail to issued within 7 days formal notice of your intent to initiate court action to contest this order, or fail to file such court action within 7 additional days thereafter.

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