

Crystal Morton

From: Cary Colaianni
Sent: Thursday, October 1, 2020 3:11 PM
To: 'Michael Satcher'; John Hummel
Subject: RE: Public Records Request of 8/31/20

Mr. Satcher:

As previously advised, we will comply with your public records request. I know you have interacted with my staff, discussing ways to narrow your search and you want to move forward with your current request. This current request involves the release of 39,445 emails and additional attachments.

Our Legal Unit is very small, and has a lot of responsibility to all our community members and very little if any discretionary time. I would like to offer you the opportunity to give us key phrases or specific topic search terms so we can pull emails that directly relate to the subject matter that you are interested in receiving and keep administrative costs down.


Your request for a fee waiver is denied. My staff estimated the time to take to gather, review, and separate for exemptions and privileges to be 4 minutes per email and redaction of personal information to be 3 minutes per email. The professional review fee for Legal Counsel is \$150/hour and redaction fee is \$36/hour. I find the estimate to be reasonably calculated to reimburse DCSO for actual costs in making the records available.

If you wish to appeal my decision, you may go to the Deschutes County Circuit Court. Please see ORS 192.324 (6) in conjunction with ORS 192.427 providing the review procedure for a denial by an elected official.

In fulfilling our obligation to all community members we work for, we must always balance the use of our resources to benefit public safety and our service to our community and taxpayers.

Respectfully,



Sheriff L. Shane Nelson
Deschutes County Sheriff's Office
Main Office: 541-388-6655
63333 W. Highway 20 * Bend, OR 97703
sheriff.deschutes.org 
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Crystal Morton

To: Crystal Morton
Subject: FW: Public Records Request of 8/31/20

From: Cary Colaianni <[REDACTED]>
Sent: Friday, September 25, 2020 10:20 AM
To: Darryl Nakahira <[REDACTED]>; Crystal Morton <[REDACTED]>; William Bailey <[REDACTED]>
Subject: FW: Public Records Request of 8/31/20



Cary Colaianni, Legal Counsel
Deschutes County Sheriff's Office
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From: Michael Satcher <[REDACTED]>
Sent: Friday, September 25, 2020 7:57 AM
To: Cary Colaianni
Subject: Re: Public Records Request of 8/31/20

[EXTERNAL EMAIL]

I will absolutely be reaching out to both.

You approved my previous records request with the public interest fee waiver and concluded that it applied because you know full well I do, in fact, have the capacity to deliver this information to the public. It's absurd to deny the waiver now after having approved it previously.

The Sheriff is clearly hiding something. This withholding of public documents is an appalling abuse of power by an elected official.

- Mike Satcher

Crystal Morton

From: Cary Colaianni
Sent: Friday, September 25, 2020 8:28 AM
To: 'Michael Satcher'
Subject: RE: Public Records Request of 8/31/20

Dear Mr. Satcher,

We are in receipt of your latest email dated September 21, 2020, concerning your public records request. Let me emphasize again that we are not withholding the public records you are requesting.

As you have declined to narrow your search or to accept our offer to discuss reasonable parameters for your request, we are compelled to evaluate the time it will take to review, sort out exemptions and redact personal information as to all emails you requested. (ORS 192.340-192.377).

Oregon law requires that we review requested records and redact personal information, attorney-client communications, among other exemptions under Oregon Revised Statutes.

There are 39,443 emails, not including the attachments, (minimum of 9.16 GB in size) captured from your request. We estimate it will take 4 minutes per email/attachment to review and separate for exemptions and privileges. Our professional review fee for Legal Counsel is \$150/hour. We estimate it will take 3 minutes per email/attachment to redact personal information as to those emails that do not fall under an exemption. Redaction fee is \$36/hour.


As you recall, we initially provided you with a fee waiver. In that request, we were simultaneously assisting with a media records request on the same subject. We are denying your request for a fee waiver on this current request because it does not meet the public interest criteria. You are an individual, not associated with the media, who is requesting blanket emails/texts of an individual public official or employees with no scope or subject matter to the request— we do not find this request to meet the requirement of primarily benefitting the public in order to be provided a fee waiver.

If you think this denial is in error, your recourse is to file a petition with the Attorney General or the district attorney pursuant to ORS 192.324 (6) below:

(6) A requester who believes that there has been an unreasonable denial of a fee waiver or fee reduction may petition the Attorney General or the district attorney in the same manner as a requester who petitions when inspection of a public record is denied under ORS 192.311 to 192.478. The Attorney General, the district attorney and the court have the same authority in instances when a fee waiver or reduction is denied as when inspection of a public record is denied.

In closing, we extend to you again our invitation to clarify and narrow your search. Narrowing the scope of your request will reduce the amount of time to review and redact protected information from the emails captured in a narrowed search. Thank you for attention in this regard.



Cary Colaianni, Legal Counsel
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From: Michael Satcher
Sent: Monday, September 21, 2020 2:03 PM
To: Cary Colaianni
Subject: Re: Public Records Request of 8/31/20

[EXTERNAL EMAIL]

Mr. Colaianni,

Please quote me the exact Oregon law that permits you to withhold the public records I have requested.

Thank you,

Mike Satcher

On Wed, Sep 9, 2020 at 5:38 PM Cary Colaianni <[REDACTED]> wrote:

Mr. Satcher,

As I said in my previous email, the breadth of your request is such that it will be difficult, time consuming, and expensive in terms of the fees authorized under Oregon law to search for the information, review it for exemptions and redactions (e.g., personal information), and prepare it for production. Again, this is all required by Oregon law.

Therefore, I renew my request to you to work with us and consider reasonable search parameters for your public records request. To that end, I would welcome a phone call for the purpose of this discussion.

In closing, we are trying our best to work with you to resolve these issues and provide a response.

Cary Colaianni




Cary Colaianni, Legal Counsel

Deschutes County Sheriff's Office

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From: Michael Satcher ██████████
Sent: Wednesday, September 9, 2020 1:07 PM
To: Cary Colaianni ██████████
Subject: Re: Public Records Request of 8/31/20

[EXTERNAL EMAIL]

Mr. Colaianni,

As you know, It has been one week since you requested clarification on my public records request. Now that you've had that clarification for some time, I am asking you for an ETA on when I can expect completion in accordance with ORS 192.329 (1).

- Mike Satcher

On Wed, Sep 2, 2020 at 12:45 PM Michael Satcher <██████████> wrote:

Mr. Colaianni,

My request was clear.

I am asking for every email and/or text message (starting January 1st, 2020 until the present) sent to, from or about Shane Nelson, yourself, and/or Lieutenant William Bailey. Every means every.

If it is an email or text written by Sheriff Nelson, LT Bailey, or yourself this year...then I am requesting it.

If it is an email or text written to Sheriff Nelson, LT Bailey, or yourself this year...then I am requesting it.

If it is an email or text written about Sheriff Nelson, LT Bailey, or yourself this year...then I am requesting it.

In accordance with ORS 192.329 (4)(a), I have now clarified that I am requesting ALL email and text communications to, from, and about these three persons. In accordance with ORS 192.329 (4)(a), I have done so within 60 days. So, in accordance with ORS 192.329 (1), I anticipate the fulfillment of this lawful request without unreasonable delay.

Thank you,

- Mike Satcher

On Wed, Sep 2, 2020 at 2:27 PM Cary Colaianni <[REDACTED]> wrote:

Dear Mr. Satcher,

We are in receipt of your August 31, 2020 public records request. Pursuant to ORS 192.329 (4)(a), please clarify what you are requesting by providing us with the subject matter or terms that you would like to have us search. In the alternative, please call me at the below listed number to discuss search parameters for relevant documents. Once we receive clarification for your request, we can evaluate the time it will take to search, review for exemptions and redact personal information (ORS 192.340-192.377).

Cary Colaianni




Cary Colaianni, Legal Counsel

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Crystal Morton

From: Cary Colaianni
Sent: Wednesday, September 2, 2020 12:27 PM
To: 'Michael Satcher'
Subject: Public Records Request of 8/31/20

Dear Mr. Satcher,

We are in receipt of your August 31, 2020 public records request. Pursuant to ORS 192.329 (4)(a), please clarify what you are requesting by providing us with the subject matter or terms that you would like to have us search. In the alternative, please call me at the below listed number to discuss search parameters for relevant documents. Once we receive clarification for your request, we can evaluate the time it will take to search, review for exemptions and redact personal information (ORS 192.340-192.377).

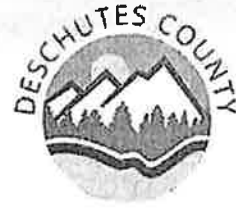
Cary Colaianni



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Deschutes County, Oregon - Public Records Request Form



If you are seeking records related to criminal matters or court documents please contact the District Attorney's office or the Circuit Court. Deschutes County does not maintain records related to divorce, custody, or convictions.

Request Date 8/31/2020

First Name * Michael

Last Name * Satcher

Phone Number * [REDACTED]

Email * [REDACTED]

**Description of
Records
Requested ***

Please be as specific as possible. Include subject and dates.

As you are aware, I have made several previous records requests regarding Greg Walker of the "Verbal Judo Institute", and his relationship with Sheriff Nelson. As you are also aware, there are very clearly emails missing from the tranche of discovered documents sent me in my first request.

I asked for those documents to be provided, and Cary Colaiani responded that finding those missing emails would require too much time and too many resources. As such, my lawful request for records is currently being refused.

Rather than continue to fight the County over those specific emails, I have decided to simply expand my search and find them myself. Toward that end, today I am requesting the following documents. They are to be considered separate requests, and delivered separately by number.

- 1) ALL emails to, from, or about Sheriff Shane Nelson for the time frame starting January 1, 2020 until the present.
- 2) ALL text messages to, from our about Sheriff Shane Nelson for the time frame starting January 1, 2020 until the present.
- 3) ALL emails to, from, or about Cary Colaiani for the time frame starting January 1, 2020 until the present.
- 4) ALL text messages to, from or about Cary Colaiani for the time frame starting January 1, 2020 until the present.
- 5) ALL emails to, from, or about Lieutenant William Bailey for the time frame starting January 1, 2020 until the present.
- 6) ALL text messages to, from or about Lieutenant William Bailey for the time frame starting January 1, 2020 until the present.

Fees for my previous request (which the County failed to fulfill in full) were waived in accordance with ORS 192.324(5). Please apply the same waiver to this request, as it is no more or less than an attempt to fulfill the first