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December 26, 2003

Richard Koenig
P.O. Box 5755
Portland, OR 97228

Re: *Petition for Public Records Disclosure Order: Department of Justice Records*

Dear Mr. Koenig:

This letter is the Attorney General's response to your petition for public records under Oregon's Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on December 19, 2003, requests the Department of Justice to disclose:

> [A] legislative enactment amending the General Laws of Oregon, 1929, chapter 394 to include "the general public" or their "private vehicles as subject to the provisions of the Vehicle Code.

For the reasons that follow, we deny your petition.

A "public record" is "any writing relating to the conduct of the public's business." ORS 192.410(4). ORS 192.420 confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. The Public Records Law does not impose on public bodies the duty to create public records. Public bodies are not required to create a record to disclose the "reasoning" behind their actions, or other knowledge their staff might have. Nor does the Public Records Law require public bodies to explain or to answer questions about their public records. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2001) at 5 (MANUAL).

We have reviewed the requests you made to Assistant Attorney General Dale Hormann on October 14, 2003, October 28, 2003 and November 17, 2003. Neither those letters nor your current petition appear to request a public record of the Department of Justice (DOJ). Instead, you apparently want DOJ to research the laws applicable to motor vehicles that have been enacted since 1929 and, in essence, provide you with the

results of that research. As noted, the Public Records Law does not require DOJ to conduct research on behalf of a requestor; indeed, ORS 180.060(3)(a) forbids the Attorney General from providing legal advice to any person other than public officials. Accordingly, we respectfully deny your petition.

Sincerely,

Peter D. Shepherd
Deputy Attorney General

PDS/mh/AGS13392