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May 21, 2002

Rhonda J. Fenrich
Attorney at Law
Garrettson Goldberg Fenrich & Makler
423 Lincoln Street
Eugene, OR 97401

Re: *Petition for Public Records Disclosure Order*
Department of Transportation, Driver and Motor Vehicle Services Records

Dear Ms. Fenrich:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on May 16, 2002, renews a previous petition you sent on behalf of your client, Debora McDonald, asking the Attorney General to order the Department of Transportation, Driver and Motor Vehicle Services (DMV) to disclose records identified in the earlier petition. For the reasons that follow, we respectfully deny your May 16th petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. Any person who is denied the right to inspect or to receive a copy of any public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld from disclosure. ORS 192.450(1). The Attorney General may order a state agency to disclose records only when the agency has denied a request for the records. *See* ORS 192.450(1).

On May 7, 2002, this office denied your first petition for DMV records as premature because DMV had informed us that it had no evidence of having received the request identified in your petition. *See* Public Records Order, dated May 7, 2002. You enclosed with your most recent petition a copy of a certified mail return receipt, dated March 25, 2002 and stamped by Oregon DMV Mail Center, as evidence of DMV having received Ms. McDonald's request for records. We contacted Cathy Toledo, manager of DMV Records Services, after receipt of your

May 16 petition. Ms. Toledo informed us that DMV had located Ms. McDonald's request subsequent to the issuance of the May 7th Public Records Disclosure Order, and had received payment from Ms. McDonald sufficient to pay the costs incurred for responding to that request. Ms. Toledo further informed us that, on or about May 17, 2002, she sent to Ms. McDonald all records held by DMV that are responsive to her request.

The Attorney General may order a state agency to disclose records only when the agency has denied a request for records. *See* ORS 192.450(1). Because DMV has provided Ms. McDonald's with the records responsive to her request, we respectfully deny your petition as moot.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS10214
c: Cathy Toledo, DMV Record Services