5/31/05
c. Kelly Carlson

HARDY MYERS
ATTORNEY GENERAL

PETER D. SHEPHERD
DEPUTY ATTORNEY GENERAL



DEPARTMENT OF JUSTICE

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May 26, 2005

Bryan Andrade
16833 S.W. Cynthia Street
Aloha, OR 97007

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

Dear Mr. Andrade:

This letter is the Attorney General's order in 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 May 19, 2005, asks the Attorney General to order the Oregon Department of Transportation, Driver and Motor Vehicle Services Division (DMV) to identify and disclose: "the Oregon Law referenced on page 1, line 1 of a four page document * * * which requires all vehicles operated on the highways of Oregon, including 'personal use' vehicles, to be titled and registered." For the reasons that follow, we respectfully deny your petition.

ORS 192.420 confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. Any person denied the right to inspect or receive a copy of a public record by a state agency may petition the Attorney General to review the record and determine if it may be withheld. 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. ORS 192.450(1).

We have reviewed your petition and requests to DMV, and have spoken to Lana Cully, Vehicle Program Manager. Ms. Cully told us that the four-page record referenced in your petition is a DMV record captioned "Optional Titling Laws." The first sentence of the record states: "Oregon Law requires all vehicles owned in Oregon and operated on Oregon public roads and highways to be titled. This is true for vehicles operated for personal use and for vehicles operated for commercial use." The record then reprints relevant Oregon statutes and provides an address to which readers may direct questions. Your request to DMV was for disclosure of the "Oregon Law" referred to in the quoted sentence.

In a letter to you dated April 15th, Mr. David Eyerly, DMV Vehicle Program Administrative Rules Coordinator, explains that to respond to your request would require DMV to do legal research. When we spoke to Ms. Cully about your petition, she told us that the "Optional Titling Laws" record reprints relevant statutes and that responding to your request would require DMV to interpret those statutes.

The Public Records Law does not require a public body 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 answer questions about their public records." ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL (2004) at 6.

Because responding to your request would require DMV to answer questions about its record captioned "Optional Titling Laws" by engaging in legal research, something not required by the Public Records Law, we deny your petition.

Sincerely

PETER D. SHEPHERD
Deputy Attorney General

PDS:gvk/AGS15565
c: Lana Cully, DMV