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August 31, 2026

VIA E-MAIL ONLY: mikeylikesit66669@gmail.com

Michael Nelson
mikeylikesit66669@gmail.com

Re: Petition for Public Records Disclosure Order
Division of Financial Regulation, Department of Consumer and Business Services
DOJ File No.: 440030-GA0164-26

Dear Mr. Nelson:

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.431. Your petition asks the Attorney General to order the Division of Financial Regulation of the Oregon Department of Consumer and Business Services (DCBS) to disclose records related to a specific complaint against GEICO. For the reasons discussed below, we respectfully deny your petition.

The Public Records Law confers the right to inspect public records in Oregon, unless such records are exempt under ORS 192.338, 192.345, or 192.355. ORS 192.314(1). The law is a disclosure law, and exemptions from disclosure must be express. Any person denied the right to inspect or to receive a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.411(1). The agency carries the burden to sustain its actions. *Id*.

In response to your petition, we contacted Gail Gage, Compliance Specialist for DCBS. According to Ms. Gage, DCBS determined that the records you seek are exempt from disclosure under ORS 731.264(2), which states that data gathered during an investigation of a complaint is confidential and may not be disclosed. The only statutory exception allows disclosure when the director deems it necessary to investigate apparent violations of the Insurance Code or other law. ORS 731.264(2). DCBS has not concluded that releasing additional investigative records to you would advance its investigation.

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Because the records you seek were gathered during DCBS's investigation of your complaint, they are confidential under ORS 731.264(2) and may be disclosed only if DCBS determines that doing so is necessary to further its investigation.[1] On this record, we have no basis to question DCBS's determination—entrusted to the agency by statute—that additional disclosure is not necessary. We therefore respectfully deny your petition.

Sincerely,

BENJAMIN GUTMAN
Deputy Attorney General

dp:pjn
c via e-mail only: Gail Gage (DCBS)

[1] We note that we have consistently interpreted ORS 731.264(2) to make investigatory information confidential and exempt from disclosure to complainants as well as to the general public. *See* Public Records Orders, Apr 12, 2021, McDonald; and Jan 13, 2021, Miller. We have also consistently interpreted the statute to apply to *all* records compiled during an investigation. *See id*. (correspondence from insurance company exempt); and Public Records Order, Jun 14, 2017, Ledbetter (*citing* Public Records Orders, Aug 1, 2008, Troyer (all records in the complaint file are exempt, including correspondence between complainant and agency); Nov 6, 1992, Ostrander (all information gathered is exempt); and Sep 25, 1991, Tozer (internal memoranda relating to an investigation are exempt)).