CHARLES S. CROOKHAM
ATTORNEY GENERAL

JACK L. LANDAU
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

December 10, 1992

Andrew D. Smith
400 N. Schoolhouse Creek Rd.
Grants Pass, OR 97526

Re: **Petition for Public Records Disclosure Order: Motor Vehicles Division Records**

Dear Mr. Smith:

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 December 7, 1992, asks the Attorney General to direct the Motor Vehicles Division (MVD) to make available an Oregon State Police accident report and a report by Norma Jean Calder with respect to an accident which occurred on November 22, 1992. For the reasons that follow, we respectfully deny your petition.

MVD informs us that it never denied your request. When you requested these reports by telephone on December 2, 1992, MVD did not have either of the two reports. When you were advised that Oregon law prohibited MVD from giving you a copy of any report by Ms. Calder, the telephone conversation was terminated before you could be informed that MVD had neither the police report nor Ms. Calder's report in its files. Because you were not denied access to an existing record, the Attorney General lacks authority to order disclosure. See ORS 192.450(1).

We have been informed that a police report on this accident was received by MVD on December 7, 1992. If you wish to request

a copy of this report, you should recontact MVD directly. We are further informed that MVD has received no report from Ms. Calder as of December 9, 1992.

For these reasons, we deny your petition to compel disclosure.

Sincerely,

Amy Veranth
Opinions Coordinator
General Counsel Division

ALV:bjs/JGG0537B
c: Shirley St. John, Supervisor
Accident Unit, Driver Services Branch
Motor Vehicles Division
1905 Lana Avenue, NE
Salem, OR 97314