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GEN AL
DEP OF
SALEM, OREGON

February 17, 1999

Laura J. Marshall
P.O. Box 451
Willamina, OR 97396

Re: *Petition for Public Records Disclosure Order: Driver and Motor Vehicle Services Branch Records*

Dear Ms. Marshall:

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 February 12, 1999, asks the Attorney General to direct the Driver and Motor Vehicle Services Branch (DMV) of the Oregon Department of Transportation (ODOT) to produce copies of police reports, traffic investigation reports, ODOT reports, and any other relevant documents relating to an auto accident involving your daughter, Apryl J. Marshall, occurring on December 1, 1998, on Highway 18 at milepost 3.9 in Lincoln County. For the reasons that follow, we respectfully deny your petition.

The Attorney General may order a state agency to disclose records only where the agency first has denied a request for public records. ORS 192.450(1); *see Morse Bros. v. ODED*, 103 Or App 619, 798 P2d 719 (1990) ("Public Records Law clearly contemplates that agencies have the opportunity to review the requested records and to act on the request before the Attorney General or the courts can review the matter."). In your request, you state that you have not received a denial of your request from DMV.

We have spoken to Mary Cunningham in the Accident Reporting Unit of DMV, who informs us that DMV had not responded to your request for information because the agency was waiting for a more complete report from the Oregon State Police. Ms. Cunningham further informs us that DMV is providing you a copy of the only report that DMV has received

concerning this accident. Because DMV has not denied your records request, we respectfully deny your petition as premature.

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

AGS01642
c: Mary Cunningham, DMV Accident Reporting Unit