

APR 11 2016



COMMONWEALTH OF KENTUCKY

Matthew G. Bevin
Governor

Office of Legal Services
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April 7, 2016

Hon. Patrick C. Elliott
Freedom From Religion Foundation
P. O. Box 750
Madison, WI 53701

RE: Your letter of March 28, 2016

Dear Mr. Elliott:

We are in receipt of your letter, and after careful review, the Kentucky Transportation Cabinet strongly believes the decision it made to reject the application for a personalized license plate with "IM GOD" upon it to be legally supported explicitly in the recent United States Supreme Court case of Walker v. Texas Div., Sons of Confederate Veterans, Inc., 135 S. Ct. 2239 (2015); 192 L.Ed. 2d 274.

The Commonwealth of Kentucky considers specialized and personalized plates to be government speech. Kentucky license plates, both specialty and personalized, have long conveyed messages as well as serving governmental purpose of vehicle registration and identification. Our plates carry the name of our state and any message on a license plate carries an indication of this state's endorsement.

Lastly, the plate was not rejected because of vulgarity or obscenity. I will direct your attention to 601 KAR 9:012, Section 5(1). It clearly establishes a standard of good taste and decency. Without question, the use of "IM GOD" is not in good taste and would create the potential of distraction to other drivers and possibly confrontations. The Department of Vehicle Regulation's first priority is safety. We would have taken the very same position had the individual requested plates that read "IM ALLAH" or "IM BUDDAH" or "IM SATAN."

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Todd Shipp".

J. Todd Shipp
Senior Counsel
Office of Legal Services

