



STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
FAX (402) 471-3297 or (402) 471-4725

JON BRUNING
ATTORNEY GENERAL

NATALEE J. HART
ASSISTANT ATTORNEY GENERAL

October 18, 2011

Keith I. Kosaki
Young & White Law Offices
8742 Frederick St.
PO Box 241358
Omaha, NE 68124-5358

RE: *File No. 11-R-134; Saunders County Attorney and Saunders County Highway Department; Keith Kosaki for Mike Conley*

Dear Mr. Kosaki:

This letter is in response to your Public Records complaint received by us on October 3, 2011, in which you requested assistance in obtaining a response from the Saunders County Attorney and Saunders County Highway Department to your client, Mike Conley's, request for records made on September 22, 2011. We have carefully reviewed your request under the Public Records Statutes, Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2008, Cum. Supp. 2010). We also contacted Scott Tingelhoff, Saunders County Attorney, regarding your complaint.

The information you provided substantiating your complaint, along with the documentation provided by Mr. Tingelhoff clearly shows that Ms. Patti Lindgren responded to Mr. Conley's public records request on September 27, 2011. That response was within four business days of the request. Ms. Lindgren provided Mr. Conley with all documents maintained by the Saunders County Clerk's Office. However, your complaint is that Mr. Tingelhoff, County Attorney and Mr. Mika of the Highway Department did not also respond to the same request for information.

It is not a violation of the Public Records Statutes for one person, even someone other than the addressee, to be designated to respond to a public records request. Mr. Conley's request was addressed to three agencies of Saunders County, however, despite the manner in which the request was addressed, Mr. Tingelhoff informs us that it was only sent to his office via e-mail, and he provided it to the other two addressees. In addition, the County Clerk is the custodian of the records Mr. Conley sought, and Ms.

Lindgren responded with all documents in her possession. Therefore, Ms. Lindgren's response is on behalf of the entire county, including the County Attorney and the Highway Department. Mr. Tingelhoff and Mr. Mika are not required to provide additional responses. However, Mr. Tingelhoff did confirm with you that his office is not the custodian of these records, and maintains nothing in response to Mr. Conley's request.

You appear to suspect that not all documents have been provided to Mr. Conley in response to his September 22, 2011 request. However, Mr. Tingelhoff repeatedly assured you that Mr. Conley had received from Ms. Lindgren all documents that exist. A public body cannot provide documents that do not exist.

In light of this, no further involvement by this office is necessary related to your October 3, 2011 complaint.

Sincerely,

JON BRUNING
Attorney General

A handwritten signature in black ink, appearing to read "Natalee J. Hart". The signature is fluid and cursive, with the first name being the most prominent.

Natalee J. Hart
Assistant Attorney General

cc: Scott Tingelhoff

02-264-30