



STATE OF NEBRASKA  
**Office of the Attorney General**

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**DOUGLAS J. PETERSON**  
ATTORNEY GENERAL

**LESLIE S. DONLEY**  
ASSISTANT ATTORNEY GENERAL

September 26, 2022

Matthew Pitzer, 31209-047  
Unit C  
FCI Sandstone  
P.O. Box 1000  
Sandstone, MN 55072

RE: *File No. 22-R-148; Cass County Department of Corrections; Matthew Pitzer, Petitioner*

Dear Mr. Pitzer:

This letter is in response to your public records petition received by this office on September 9, 2022, in which you sought our assistance in obtaining certain records from the Cass County Department of Corrections ("Department"). We considered your petition under the provisions of the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2014, Cum. Supp. 2020, Supp. 2021), amended 2022 Neb. Laws LB 876 and LB 1246. In accordance with our normal practice, on September 13, we forwarded a copy of your petition to the Cass County Attorney, S. Colin Palm, and requested a response. On September 20, we received a response from Lieutenant Jeff Lickei of the Cass County Sheriff's Office. We have completed our review of your petition and Lt. Lickei's response, and our findings in this matter are set forth below.

By letter dated April 13, 2022, you requested the following records from the Department:

1. Visitor logs;
2. Phone logs;
3. Any phone recording (cd please); and
4. Log of any Video court appearances

Matthew Pitzer  
September 26, 2022  
Page 2

The timeframe for your request was the period of your incarceration at the facility—“8/29/2019 to 2/14/22.” You state in your petition that Department staff “never responded.”

Lt. Lickei represents that he responded to your request in April, requesting a deposit of \$50.00 to produce the requested records.<sup>1</sup> Lt. Lickei indicates that he received no further response from you. He further represents that his office went ahead and mailed you the requested records. Lastly, Lt. Lickei clarified that the period of your incarceration in Cass County’s facility was August 23, 2019 to February 14, 2020.

Pursuant to § 84-712(4), a requester has ten business days to review the record custodian’s estimate, and request that the custodian fulfill the original request, negotiate to narrow or simplify the request, or withdraw the request. If the requester does not respond within ten business days from the date of the custodian’s letter, there is no further legal obligation to fulfill the records request. In the present case, the Department had no legal obligation to fulfill your request, but has provided you responsive records anyway despite noncompliance with § 84-712. Since you have not been denied access to public records, no further action by this office is required and we are closing our file.

Sincerely,

DOUGLAS J. PETERSON  
Attorney General



Leslie S. Donley  
Assistant Attorney General

c: Lt. Jeff Lickei  
S. Colin Palm  
49-3052-30

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<sup>1</sup> Under Neb. Rev. Stat. § 84-712(3)(f), the custodian of public records in Nebraska may require the requester of copies of public records to furnish a deposit prior to fulfilling a records request if it is anticipated that the costs of providing copies of public records will exceed \$50.00.