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

April 29, 2014

Sheldon Warrick
4237 St Hwy 133
Blair, NE 68008

Re: 14-R-110; Public Records Petition against 133 Estates Home Owners Association; Complainant Sheldon Warrick

Dear Mr. Warrick:

This letter is in response to your correspondence received by this office on April 14, 2014 in which you complain that the president of the 133 Estates Home Owners Association has refused to provide you certain documents. We have considered your complaint under the Public Records Statutes, Neb. Rev. Stat. §§ 84-712 through 84-712.09 (Reissue 2008, Cum. Supp. 2012, Supp. 2013), and our findings in this matter are set forth herein.

The initial inquiry in any public records complaint is to determine whether the organization complained about is a public body which maintains public records. The Public Records Statutes provide that public records are all records and documents "of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing." § 84-712.01 (1). A home owners association, including the 133 Estates Home Owners Association, is none of these. Consequently, it is not a public body subject to the Public Records Statutes.

As the 133 Estates Home Owners Association is not subject to the Public Records Statues, we are closing our file on this matter. Thank you.

Sincerely,

JON BRUNING
Attorney General

Natalee J. Hart
Assistant Attorney General

02-403-30

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