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

November 18, 2014

Kenneth M. Chapman
11097 Cedar Park
San Antonio, TX 78249

RE: *File No. 14-R-134; Douglas County Juvenile Court et. al; Petitioner Kenneth M. Chapman*

Dear Mr. Chapman:

This letter is in response to your request for us to reopen and re-review our response to you dated October 23, 2014 regarding your public records complaint against the Douglas County Juvenile Court, the Clerk of the District Court for Douglas County, the Nebraska Supreme Court and Court of Appeals, and the Lincoln Regional Center for certain records belonging to those agencies.

The Public Records Statutes, Neb. Rev. Stat. §§ 84-712 through 84-712.09 (Reissue 2008, Cum. Supp. 2012, Supp. 2013) contemplate that if an individual disagrees with the determination of this office as to a public records complaint, he or she may bring an action under Neb. Rev. Stat. § 84-712.03 for a writ of mandamus and seek attorney's fees under Neb. Rev. Stat. § 84-712.07.

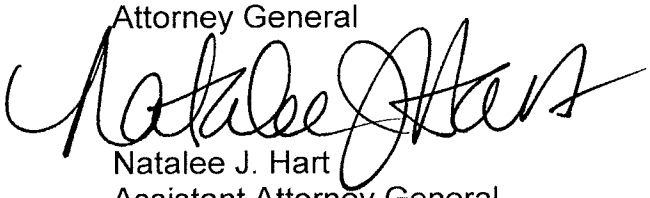
This office does not routinely review a prior determination it has made as to a public records complaint. The Nebraska Public Records Statutes do not provide this office with a mechanism for an in-person review or audit to determine if a public body is appropriately claiming they have no records responsive to a public records request. Absent such an ability, we must presume that the courts and the Lincoln Regional Center, as represented by its public officials, are acting in compliance with all necessary statutes, unless there is specific evidence to the contrary. We are in possession of no facts or evidence that would lead us to conclude that any of these four agencies is improperly claiming that they do not have records responsive to your request.

Printed wth soy ink on recycled paper

We see no reason to reopen our file in this matter. If you continue to disagree with our conclusion, your remedy is to file for a writ of mandamus under Neb. Rev. Stat. § 84-712.03.

Sincerely,

JON BRUNING
Attorney General



Natalee J. Hart
Assistant Attorney General

02-459-30