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ASSISTANT ATTORNEY GENERAL
CHIEF, LEGAL SERVICES BUREAU

September 16, 2010

Mr. Richard Hardesty
1000 West Main Street
P.O. Box 158
Sargent, NE 68874

Re: *File No. 10-R-134; Custer County Attorney; Hardesty.*

Dear Mr. Hardesty:

This letter is in response to your correspondence of August 31, 2010, which we received on September 1, 2010. You requested our assistance in obtaining certain information from the Custer County Attorney under the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2008, Supp. 2009). We considered your letter to be a petition for access to records under § 84-712.03, and our response is set out below.

First of all, we would note that this is the fourth Open Meetings/Public Records complaint you have sent us within the last month. Given those frequent complaints and their concomitant demands upon the resources of this office, we must respond to your latest complaint in a summary fashion. We simply do not have the resources in this office to provide you with a lengthy analysis of Open Meetings/Public Records matters on a weekly (or even monthly) basis.

Your latest Public Records request involves a request to Custer County Attorney Tami Schendt for a listing of the individual clients, municipalities, groups, organizations or businesses represented by Deputy Custer County Attorney Glenn A. Clark in his private law practice. Ms. Schendt responded to your request by stating that the requested information is not county information which is subject to a Public Records request.

We agree with Ms. Schendt that the records which you seek are not records "of or belonging to" Custer County as required by § 84-712.01, and that neither she nor Mr. Clark are required to produce them. As a result, we do not believe that you have been improperly denied access to public records, and we are closing this file.

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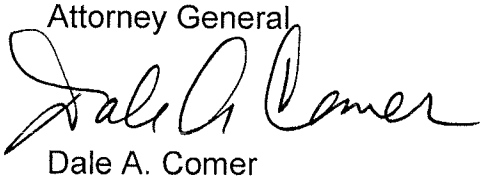
If you disagree with our analysis under the Public Records Statutes, you may wish to discuss this matter with your private attorney to determine what additional remedies, if any, are available to you under those statutes.

Sincerely yours,

JON BRUNING
Attorney General



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