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March 4, 2011

Terry Cossel
1020 E. Court
Beatrice, NE 68310

RE: *File No. 11-R-106; Beatrice Public Schools; Petitioner Terry Cossel*

Dear Mr. Cossel:

We are writing in response to your petition dated February 14, 2011, and received by us on February 17, 2011, in which you requested our assistance in obtaining certain public records belonging to Beatrice Public Schools (the "District"). According to the documentation you provided to us, on January 10, 2011, you e-mailed the District superintendent, Dr. Jon Lopez, and requested a copy of "the signed agreement between Vicky Coleman and District 15 that ended her employment and paid her money." You also requested "any supporting or contingent documents" relating to the agreement. Dr. Lopez responded to your request by e-mail on January 12, 2011, indicating that he had prepared the documents that were available for "public access," and that the documents were in his office ready to be picked up at any time. The following day, you reiterated your request for the agreement between the District and Ms. Coleman. The same day, Dr. Lopez denied your request. Dr. Lopez wrote: "The actual agreement was not and cannot be released for the reasons set forth in my previous email to you in that they are not available for public access."

This office received your petition under Neb. Rev. Stat. § 84-712.03 on February 17, 2011. On February 18, 2011, we faxed a letter to Dr. Lopez and requested a response to your petition by March 1, 2011. On February 21, 2011, you forwarded the undersigned an e-mail from Dr. Lopez. This e-mail contained an attached letter, dated January 13, 2011, which Dr. Lopez indicates was inadvertently omitted from the envelope containing the other documents produced pursuant to your initial public records request. The January 13, 2011 letter, drafted in accordance with the requirements of Neb. Rev. Stat. § 84-712.04, indicated that the agreement was being withheld under the exception found in Neb. Rev. Stat. § 84-712.05(7) ("Personal information in records regarding personnel of public bodies other than salaries and

routine directory information"). On February 23, 2011, you forwarded the undersigned another e-mail from Dr. Lopez, which contained the requested agreement.

When we receive petitions under § 84-712.03, our focus is to ensure that citizens have not been improperly denied public records. We investigate these petitions on a case-by-case basis. Since you have received the records at issue, we see no reason to continue our investigation, and we are closing the file. To the extent you seek an opinion from us as to whether agreements of this nature are public records, please be advised that we are not authorized to provide opinions to private citizens. Also, our responsibilities under § 84-712.03 do not include providing the petitioner an analysis or interpretation of a particular document in the context of the Nebraska Public Records Statutes.

Sincerely,

JON BRUNING
Attorney General

Leslie S. Donley
Assistant Attorney General

cc: Gregory H. Perry

49-595-30