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JON BRUNING
ATTORNEY GENERAL

NATALEE J. HART
ASSISTANT ATTORNEY GENERAL

January 28, 2014

Gary Owens
8702 Pinkney St
Omaha, NE 68134

RE: *File No. 14-R-102; Clerk of the Douglas County District Court; Gary Owens, Petitioner*

Dear Mr. Owens:

This letter is in response to your Public Records complaint received by us on January 13, 2014, in which you requested our review of a purported public record request made by you to the Clerk of the Douglas County District Court ("Clerk") for copies of the "Judgment Screen" in three different cases involving child support. As is our normal practice with such complaints, we contacted the party against whom the complaint was made in regards to your complaint. We spoke with John Friend, Clerk of the District Court. We have now considered your complaint and the Clerk's response 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 below.

RELEVANT FACTS

Our understanding of the facts in this case is based on your complaint and our phone conversation with Mr. Friend.

On dates between January 8, 2014 and January 10, 2014 you verbally requested a copy of the "Judgment Screen" in three separate cases from the Clerk. All three cases involve child support. Your requests were made in person at the office of the Clerk. Your requests were denied.

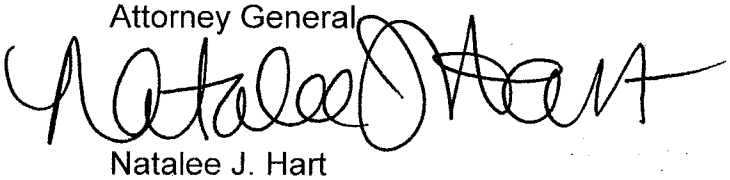
DISCUSSION

Generally speaking, the Nebraska Public Records Statutes allow interested persons in Nebraska the right to examine public records in the possession of public agencies during normal agency business hours, to make memoranda and abstracts from those public records, and to obtain copies of public records in certain circumstances. A public body is not required, however, to create documents that do not otherwise exist, or to answer questions made to the public body under the guise of a public records request.

When we receive petitions under Neb. Rev. Stat. § 84-712.03, our focus is to ensure that citizens have not been improperly denied public records. The Nebraska Public Records Statutes require all requests for public records to be in writing. Neb. Rev. Stat. § 84-712 (4). Verbal requests are not proper requests under these statutes. As your requests of January 8, 2014 - January 10, 2014 were made verbally, we do not find that your have been improperly denied public records. Additionally, it is our understanding that the "Judgment Screen" referenced in your letter is not something that is currently available to or maintained by the Clerk's office. The Clerk's office is not required to provide you with any records that do not already exist in the court file; therefore, a denial of the "Judgment Screen" is not improper under the Nebraska Public Records Statutes.

Sincerely,

JON BRUNING
Attorney General



Natalee J. Hart
Assistant Attorney General

cc: John Friend

02-396-30