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

DOUGLAS J. PETERSON
ATTORNEY GENERAL

LESLIE S. DONLEY
ASSISTANT ATTORNEY GENERAL

May 17, 2016

Via email at chad.d.mohr@gmail.com
Mr. Chad Mohr

RE: *File No. 16-R-121; Kearney County Assessor; Chad Mohr, Petitioner*

Dear Mr. Mohr:

This letter is written in response to your petition filed with this office on May 2, 2016, in which you requested our assistance in obtaining certain public records belonging to the Kearney County Assessor. As is our normal practice with such requests, we contacted the public official involved, in this case Ms. Linda Larsen, and advised her of the opportunity to provide this office a response to your petition. We received Ms. Larsen's response on May 5, 2016. Our review of this matter was conducted in accordance with Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2014) ("NPRS"), and our findings are set forth below.

Our understanding of the facts in this matter is based on your correspondence and Ms. Larsen's written response. In addition, on May 16, 2016, the undersigned spoke with Ms. Larsen about your pending request/petition.

On March 31, 2016, at 10:17 p.m., you emailed the following request for public records to Ms. Larsen at kycoassessor@gtmc.net:

> This is a request for a public record. Please provide an electronic data copy of the 2015 Kearney County Property Tax Roll as provided for in Chapter 77 of the Nebraska Revised Statutes that is developed, produced or maintained on the Kearney County Assessor Property Search & Mapping GIS system.

You indicate in your petition that Ms. Larsen did not respond to your request.

Printed wth soy ink on recycled paper

In her response to this office, Ms. Larsen states that she does not recall receiving your public records request. Ms. Larsen indicates that she searched her trash bin and regular emails and found no email from you. Ms. Larsen states that she has "never turned anyone away when they requested any public record from [her] office" and that it is her practice to reply and find out exactly what is needed when she receives a request. She further indicates that GIS Workshop hosts her website only, and has nothing to do with the tax roll. Ms. Larsen states that she will provide you the requested tax roll, and has suggested two options. She can provide you a CD with the requested information. The cost is $25, which includes the time to make a PDF copy and burn it to the CD, plus postage. Alternatively, her office can email a PDF copy to you at no charge.

On May 6, 2016, the undersigned conveyed to you by email Ms. Larsen's response, namely that she had not received your public records request, but was willing to provide you the records you had requested. We set out the two options suggested by Ms. Larsen. To date, this office has received no response from you. On May 16, 2016, we contacted Ms. Larsen to see whether you had contacted her office directly. You had not.

Under Neb. Rev. Stat. § 84-712.03, this office is charged with determining "whether a record may be withheld from public inspection or whether the public body that is custodian of such record has otherwise failed to comply with" the NPRS. We investigate these petitions on a case-by-case basis. Since Ms. Larsen has represented to this office and that she will provide you the requested tax roll, there is no basis to conclude that you have been denied access to public records. As a result, we are closing our file. To the extent you are still interested in receiving the records at issue, we would ask that you contact Ms. Larsen directly. If there are any issues encountered by either party in this regard, please contact the undersigned.

Finally, if you disagree with any aspect of the foregoing, you may wish to consider what additional remedies may be available to you under the Nebraska Public Records Statutes.

Sincerely,

DOUGLAS J. PETERSON
Attorney General

Leslie S. Donley
Assistant Attorney General

c: Linda Larsen
Kearney County Assessor

49-1583-29