



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

**MIKE HILGERS**  
ATTORNEY GENERAL

**LESLIE S. DONLEY**  
ASSISTANT ATTORNEY GENERAL

February 13, 2023

Via email at [REDACTED]  
Joe Gaeta  
Director of Oversight & Engagement  
Democracy Forward Foundation  
P.O. Box 34553  
Washington, DC 20043

RE: *File No. 23-R-106; Village of Brady; Joe Gaeta, Democracy Forward Foundation, Petitioner*

Dear Mr. Gaeta:

This letter is in response to your public records petition emailed on and received by this office on January 27, 2023. You have requested our assistance relating to a public records matter involving the Village of Brady ("Village"). We considered your petition under the provisions of the Nebraska Public Records Statutes ("NPRS"), Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2014, Cum. Supp. 2022).

According to your petition, you emailed a public records request to the Village clerk, Jill Miller, on December 9, 2022. You received no response from the Village to your initial request or to a follow-up email you sent on January 3, 2023. On January 10, 2023, you received an email from the Village chairman, Lysle T. Roe, informing you that the Village board would be receiving legal advice from its attorney "on how to move forward" at its meeting on January 11. You followed up with Mr. Roe by email sent January 11 and 17, but received no communication or records from Village officials.

We forwarded your petition to Ms. Miller on January 30. Later that day, Ms. Miller provided us a copy of the records the Village provided to you in response to your request. The undersigned spoke to Mr. Roe on January 31, who confirmed that the Village had provided you all responsive records and that no records were withheld. We advised Mr.

Joe Gaeta  
February 13, 2023  
Page 2

Roe about the responsibilities under the NPRS, especially the provision in § 84-712(4)<sup>1</sup> requiring a response to the requester no later than four business days after receipt of a written request for records.

Under § 84-712.03(1)(b), the Attorney General is required “to determine 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 such sections . . . .” Since you have now received the records at issue, no further action by this office is necessary and we are closing our file. However, we will take this opportunity to again remind Village officials that, in the future, a *timely response* must follow any written request for public records. Further, the Village’s response must fully comport with all of the requirements set out in § 84-712(4).

Sincerely,

MIKE HILGERS  
Attorney General



Leslie S. Donley  
Assistant Attorney General

c: Lysle T. Roe  
Jill Miller

49-3158-30

---

<sup>1</sup> Section 84-712(4) provides, in pertinent part:

Upon receipt of a written request for access to or copies of a public record, the custodian of such record shall provide to the requester as soon as is practicable and without delay, but not more than four business days after actual receipt of the request, an estimate of the expected cost of the copies and either (a) access to or, if copying equipment is reasonably available, copies of the public record, (b) if there is a legal basis for denial of access or copies, a written denial of the request together with the information specified in section 84-712.04, or (c) if the entire request cannot with reasonable good faith efforts be fulfilled within four business days after actual receipt of the request due to the significant difficulty or the extensiveness of the request, a written explanation, including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies, and an opportunity for the requester to modify or prioritize the items within the request. The requester shall have ten business days to review the estimated costs, including any special service charge, and request the custodian to fulfill the original request, negotiate with the custodian to narrow or simplify the request, or withdraw the request. If the requester does not respond to the custodian within ten business days, the custodian shall not proceed to fulfill the request.