



STATE OF NEBRASKA
Office of the Attorney General

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MIKE HILGERS
ATTORNEY GENERAL

LESLIE S. DONLEY
ASSISTANT ATTORNEY GENERAL

September 7, 2023

Via email at [REDACTED]
Mark A. Koch

RE: *Your Recent Complaints*
File No. 20231129

Dear Mr. Koch:

On August 23, 2023, you visited the Attorney General's office and submitted two handwritten complaints for our review. One complaint deals with your purported public records request¹ to the City of Sargent ("City") seeking a copy of the City's ordinances. Your other complaint relates to your obtaining the bill of exceptions for a "PFR" in Case No. A23-480.² We construed your complaint about the ordinances to be a petition under § 84-712.03(1)(b) of the Nebraska Public Records Statutes ("NPRS"), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2014, Cum. Supp. 2022). Our findings in that matter are set forth below.

With respect to your other complaint, Neb. Rev. Stat. § 25-1140³ and Neb. Ct. R. App. P. § 2-105—*Bill of exceptions, making, preserving, transcribing, and delivery of record of trial or other proceeding*, govern your access to the bill of exceptions in your

¹ You did not provide us a copy of your public records request nor any correspondence you may have received from the City Clerk relating to your request.

² Our review of the SCCALES (Appellate Court) case search system indicates that the Supreme Court denied your Petition for Further Review on August 29, 2023.

³ This statute states that "[u]pon appeal from the district court, the party appealing may order a bill of exceptions by filing in the office of the clerk of the district court a praecipe therefor within the time allowed for filing a notice of appeal. The procedure for preparation, settlement, signature, allowance, certification, filing, and amendment of the bill of exceptions shall be regulated and governed by rules of practice prescribed by the Supreme Court." (Emphasis added.)

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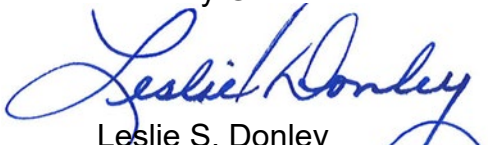
appeal, not the NPRS. Since the NPRS do not apply, we have no authority to review this matter.

As to your access to the City's ordinances, we contacted the City Attorney, Glenn Clark, about this matter. It is our understanding you will receive a copy of the ordinances or have the ability to access them on the City's website no later than September 15, 2023. We will request that Mr. Clark inform the undersigned when either of those two events occurs.

Finally, your petition also mentions your ongoing concern about not being allowed access to the City's offices to copy records. As you know, this office has addressed this issue in two letters dated June 16, 2023, and August 16, 2023. We have also subsequently learned that this issue is the subject of a mandamus action you filed in the District Court of Custer County, Case No. CI 23-54, on June 15, 2023. Since there is active litigation pertaining to this issue, this office will provide no further comment on this subject.

Sincerely,

MIKE HILGERS
Attorney General



Leslie S. Donley
Assistant Attorney General

c: Glenn Clark (via email only)
Gwenda Horky (via email only)

49-3326-30