



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

November 14, 2024

Via email at [REDACTED]
Robert J. Borer

RE: *Public Records Matter Involving the Department of Administrative Services (DAS)—Accounting Division*
Our File No. 20241212

Dear Mr. Borer:

This letter is in response to your email received by this office on October 30, 2024, in which you requested our assistance regarding a public records request you emailed to Philip Olsen, State Accounting Administrator, on October 22, 2024. We construed your email 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), amended 2024 Neb. Laws LB 43 and LB 1204. Our findings in this matter are set forth below.

Your October 22 email to Mr. Olsen sought the following records:

A digital copy of all financial transactions between the State of Nebraska and Tyler Technologies, both to and from Tyler Technologies, from the beginning of the current contract to the present date. Please include the running balance.

You did not receive a response to your request within the four business days required under Neb. Rev. Stat. § 84-712(4).¹ Following our inquiry to Mr. Olsen on October 30,

¹ Neb. Rev. Stat. § 84-712(4) provides, in 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

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DAS Materiel Administrative Manager Jennifer Sommars-Link emailed you a letter from DAS General Counsel Michael Donley requesting clarification as to which contract you were referencing. Mr. Donley provided you a link to the State Contracts Database search page to assist you. You emailed Ms. Sommars-Link contract number "102852 O4" and a link to the contract later that day and on November 4, Mr. Donley provided you responsive records. On November 6, you requested Ms. Sommars-Link provide the following:

[A] comprehensive list of ALL transactions involving Tyler Technologies that have occurred within the state, under the previously cited contract, and within the previously cited time frame, except that we are now including the elapsed time since the initial request.

To be clear, the list should include any and all agencies that have transacted with Tyler Technologies, and their transactions, incoming and outgoing.

One last thing. We are requesting the date for each transaction.

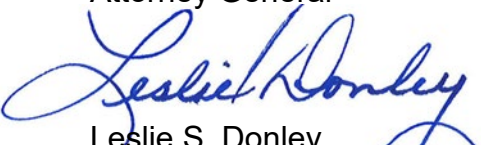
Mr. Donley responded to this request by letter dated November 13, indicating that DAS had provided you all records responsive to your request "includ[ing] the additional elapsed time."

Since the agency has now responded to your request and represented to you that all responsive records have been provided, no further action relating to this matter is necessary and we are closing our file. However, we will take this opportunity to remind DAS staff that, pursuant to Neb. Rev. Stat. § 84-712(4), responses to written public records requests must be made no later than four business days after actual receipt of the request.

If you disagree with our handling of your petition, you may wish to discuss this matter with your private attorney to determine what other remedies may be available to you under the NPRS.

Sincerely,

MIKE HILGERS
Attorney General



Leslie S. Donley
Assistant Attorney General

c: Michael Donley (via email only)
49-3674-31

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.