



STATE OF NEBRASKA  
**Office of the Attorney General**

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February 5, 2025

Via email at [REDACTED]  
Justin Riddle

RE: *Public Records Matter Involving Omaha Public Schools*  
Our File No. 20251006

Dear Mr. Riddle:

This letter is in response to the consumer complaint you submitted to our office on January 14, 2025, in which you requested our assistance regarding a public records matter involving Omaha Public Schools (OPS). On January 16 and 21, we asked you to supplement your petition by providing the public records request at issue and any correspondence between you and OPS relating to the request. On January 21, you provided the requested documentation, which included a December 31, 2024, public records request emailed to Dr. Anne M. MacFarland, OPS Board Secretary, and Dr. MacFarland's response to your request. We construed your complaint to be a petition under § 84-712.03(1)(b) of the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2024).

Your December 31, 2024, request sought the ability to examine the following records:

- (1) All records previously disclosed in response to my public records requests, including complete copies of any emails (with full headers and metadata) and other documents, in unredacted form except for those limited portions the District can demonstrate are properly exempt under express statutory provisions; and
- (2) All records the District has determined are responsive to my requests but has not yet released to me, again with only those redactions that can be specifically justified under clear NPRL [Nebraska Public Records Law] exemptions.

Dr. MacFarland timely responded to your request on January 7, 2025, advising you that “[a]ll requested records have been previously provided to you through your email, including attachments, and/or through links to the Omaha Public Schools Website,” and that the district has provided you all responsive records.

On January 16, you clarified to this office by email that

my complaint is not about the substance or validity of my original records requests to OPS, but their subsequent refusal to allow me to physically inspect records they have already claimed to provide. The issue at hand is improper denial of in-person examination access plainly guaranteed by statute, not a dispute over the content of the underlying requests themselves.

We discussed your petition with OPS outside counsel David J. Kramer. Mr. Kramer represents that the district will allow you to examine the records already provided to you in response to your previous public records requests.<sup>1</sup> He asked that you contact him at [dkramer@bairdholm.com](mailto:dkramer@bairdholm.com) to arrange a time for the examination. Please note that your request to examine the records previously provided to you does not mean OPS has an obligation to provide you unredacted records. Our review of Dr. MacFarland’s June 14, 2024, email in response to your May 29, 2024, request indicates full compliance with the requirements in Neb. Rev. Stat. § 84-712.04(1). Mr. Kramer has also assured us that records were redacted in compliance with the NPRS. We presume in this respect that OPS officials’ actions were faithfully performed.<sup>2</sup> In any event, you have clarified that your petition concerns your ability to examine records in-person, not the “substance or validity” of your requests or, it seems to us, the records you received in response.

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<sup>1</sup> We understand you received responsive records from Dr. MacFarland in conjunction with requests submitted on May 29, July 10, August 8, August 13, and October 30, 2024.

<sup>2</sup> See *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009) (“In the absence of evidence to the contrary, it may be presumed that public officers faithfully performed their official duties and that absent evidence showing misconduct or disregard of law, the regularity of official acts is presumed.”).

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Since OPS will be accommodating your request to inspect the records previously provided to you, no further action by this office is necessary and we are closing this file. If you disagree with the resolution of this matter, you are free to consider the other remedies available to you under the NPRS.

Sincerely,

MIKE HILGERS  
Attorney General



Leslie S. Donley  
Assistant Attorney General

c: David J. Kramer (via email only)

49-3713-31