



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

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**MIKE HILGERS**  
ATTORNEY GENERAL

**RYAN D. BAKER**  
ASSISTANT ATTORNEY GENERAL

September 19, 2025

Via email: [REDACTED]  
Ronicka Schottel

RE: *Public Records Matter Involving Hickman Rural Fire Protection District*  
Our File No. 20251103

Dear Ms. Schottel:

This letter is in response to your correspondence received by this office on September 4, 2025, in which you sought our assistance regarding your public records request to the Hickman Rural Fire Protection District (the "District") on August 21, 2025, for District board members' names and contact information. We construed your correspondence to be a petition in accordance with the Nebraska Public Records Statutes ("NPRS"), Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2024), and our conclusions are set forth below.

### **FACTS**

Our understanding of the facts in this matter comes from your correspondence to this office and the undersigned's communications with District Chief John Brady and the District's counsel, Ryan McIntosh. Per your email, you submitted a request to Chief Brady and "through the department's contact page" on August 21, 2025, for "[t]he names and contact information of all current board members of the Hickman Fire Protection District." You state that Chief Brady informed you that "he would 'pass along [your] contact information' to the board," but you had not received a response to your request as of the date you submitted your petition to our office.

Following our receipt of your petition, the undersigned contacted Chief Brady and Mr. McIntosh, and requested additional information regarding this matter. Chief Brady stated he was not the custodian of records pertaining to the District board members' contact information and that he passed along your request to the District board, although he could not confirm whether a written response was issued. Mr. McIntosh advised that

you engaged in subsequent correspondence with Josh Maurer, a member of the District board, beginning on or around September 5, 2025, concerning your request for board members' names and contact information and additional requests. According to this email correspondence, Mr. Maurer provided the names of the District board members but advised that "emails & personal phone numbers are only available if released directly by the individual board members." Additional correspondence between you and Mr. Maurer dated September 12, 2025, indicates you were advised verbally and in writing that the District's record production would take approximately five weeks to fulfill due to the lack of District board staff and the scope of your requests.

### **DISCUSSION**

The general rules governing public bodies' obligations in responding to public record requests are set forth in Neb. Rev. Stat. § 84-712(4). This statute states:

Upon receipt of a written request for access to or copies of a public record shall provide to the requester as soon as 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.

Per your petition and the undersigned's contact with Chief Brady, it does not appear that the initial response you received to your public records request dated August 21, 2025, met the requirements of § 84-712(4). However, even assuming that Chief Brady was the proper custodian of the requested records, we note that the District board members' names were subsequently provided to you by Mr. Maurer on September 5, 2025. Mr. Maurer further stated that the remaining information and records requested would be provided upon completion of the District's search and review of responsive records. Based on the emails provided by Mr. McIntosh, the District's responses were timely and in compliance with the NPRS.

Given the District's subsequent responses to your requests, we do not believe further action is warranted at this time, as it has indicated it will provide responsive records and information upon completion of its review. The NPRS do not impose any requirement on public bodies to produce such records and information as they become available. However, notwithstanding the District's responses to your requests, we will remind the

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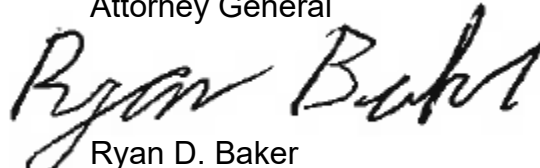
District, by sending a copy of this letter to Mr. McIntosh, that in the future, it must provide a timely response to public records requests satisfying the requirements of § 84-712(4).

### CONCLUSION

For the reasons set forth above, we conclude that you have not been unlawfully denied access to the requested public records. Per Chief Brady, there is no obligation for a public official who is not the custodian of the requested public records to respond to a records request. Further, based on our review, the subsequent responses from Mr. Maurer were timely and compliant with the NPRS. No further action is therefore warranted by this office, and we will accordingly close this records file. If you disagree with our conclusions, you may wish to discuss this matter with an attorney to determine what, if any, additional remedies may be available to you under the NPRS.

Sincerely,

MIKE HILGERS  
Attorney General



Ryan D. Baker  
Assistant Attorney General

c: Ryan McIntosh (via email only)

55-091