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

RYAN D. BAKER
ASSISTANT ATTORNEY GENERAL

November 12, 2025

Via email to [redacted]
Ronicka Schottel
[redacted]

RE: *Public Record Matter Involving Firth Fire and Rescue*
Our File No. 20251137

Dear Ms. Schottel:

This letter is in response to your petition received by this office on October 28, 2025, in which you sought our review of your public records request submitted to the Firth Fire and Rescue Department ("Firth Fire and Rescue") on October 15, 2025, concerning an insurance policy covering Firth Fire and Rescue. We have reviewed your 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 is based on your petition to our office, the materials attached thereto, and the undersigned's communications with the secretary and treasurer of the Firth Rural Fire District ("District"), Kristin Draper. Per the correspondence attached to your petition, you sought a "copy of the insurance liability [*sic*] for Firth Fire Department" on October 19, 2025,[1] alongside other materials not relevant to your petition. In response, Firth Fire and Rescue stated in an email dated October 21, 2025, that the "department does not have the liability policy records you are requesting. You have received all records in the possession of the department."

[1] While you assert your petition pertains to an October 15, 2025, public records request, it appears you did not request a liability policy for Firth Fire and Rescue until October 19.

On November 10, 2025, the undersigned communicated with Ms. Draper regarding your request. Ms. Draper stated that the District "is the taxing authority and governing body of the Firth Rural Fire Department," and "[i]t is the District's responsibility to . . . insure the Department and its members." Ms. Draper further advised that the District "possesses and maintains multiple insurance policies which include Property, Workers Comp, Life, and a Group Health/Accident policy," and "[t]hese policies are not in the possession, nor are they maintained, by the Department."

## DISCUSSION

As a preliminary matter, there is a question as to whether Firth Fire and Rescue is subject to the NPRS. The definition of "public records" is set forth in § 84-712.01(1), which states in part:

> Except when any other statute expressly provides that particular information or records shall not be made public, public records shall include all records and documents, regardless of physical form, of or belonging to **this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing.**

(Emphasis supplied.) It is our understanding that Firth Fire and Rescue is a volunteer fire department. Our office has previously examined the question of whether a volunteer fire department is subject to the NPRS and determined that they "are not any of the governmental entities listed in" § 84-712.01(1). *See* File No. 2023-1101; *Elmwood Rescue Department; Dana Krass, Petitioner* (August 1, 2023).[2] We further concluded that a volunteer fire department, while potentially receiving tax dollars, cannot be a "tax-supported district" like a rural or suburban fire protection district because it has "no direct levy authority." *See id.* Here, like the Elmwood Rescue Department, Firth Fire and Rescue had no legal obligation to respond to your records request, as it is not subject to the NPRS.

Notwithstanding the foregoing, requests for public records must be directed to the custodian of such records. *See Huff v. Brown*, 305 Neb. 648, 666, 941 N.W.2d 515, 527 (2020) ("The public records statutes are directed to 'the custodian' of a requested public record, . . and . . . [i]t is the obligation of the person requesting a record to determine the proper custodian and to make a request of that person or office."). Per the correspondence attached to your petition, Firth Fire and Rescue indicated it did not "have the liability policy records" requested. Similarly, Ms. Draper advised the undersigned that Firth Fire and Rescue neither maintained nor possessed these insurance policies. We further do not have cause to believe that Firth Fire and Rescue, the District, or Ms. Draper have acted in bad faith in responding to your records request or this office's inquiries

[2] A copy of our disposition letter may be found at https://ago.nebraska.gov/disposition-letters.

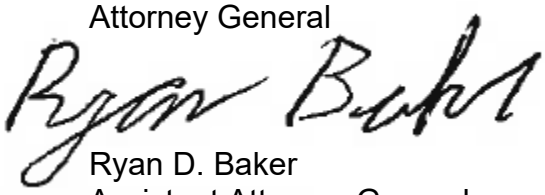
based on the information available.[3] We therefore conclude that the District, not Firth Fire and Rescue, is the proper custodian of insurance policies for the department, and that you should direct your request to that entity to obtain the requested records.

## CONCLUSION

For the reasons set forth above, we conclude that Firth Fire and Rescue, as a volunteer fire department, is not subject to the requirements of the NPRS and, even if it were, it is not the custodian of the requested insurance policy. Since we have identified no violation of the NPRS in this matter, no further action by this office is warranted, and we are closing this file. If you disagree with our findings set out in this letter, you may wish to consult 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

55-100

[3] Under Nebraska law, it is generally presumed that public bodies and officers carry out their duties in good faith. *See Wolf v. Grubbs*, 17 Neb. App. 292, 310, 759 N.W.2d 499, 518 (2009) (observing that, in a case involving the Open Meetings Act, "[i]n the absence of evidence to the contrary, it may be presumed that public officers faithfully performed their official duties").