



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

December 23, 2025

Via email at [REDACTED]
Cliff Sheakley
[REDACTED]

RE: *Public Record Matter Involving the York County Assessor*
Our File No. 20251158

Dear Mr. Sheakley:

This letter is in response to your complaint received by this office on December 8, 2025, in which you challenge the amount charged by the York County Assessor, Kurt Bulgrin, to produce certain county records. Upon receipt of your complaint, we forwarded it to Mr. Bulgrin and requested documentation to support the amount assessed. We received Mr. Bulgrin's documentation on December 22. 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 to 84-712.09 (2024). Our findings are set forth below.

FACTS

Your petition states that you requested a "shapefile"¹ from Mr. Bulgrin's office, who "outsource[s] it to a company called SAM." Mr. Bulgrin told you the company charges \$150, which is the amount you would have to pay. However, you assert the "process takes 15-20 minutes and \$150 is not that [sic] actual costs to the vendor who holds public records." You indicate that you paid the fee, but are filing a complaint "because I don't think I should have to pay this much for public records." You further state: "If a government

¹ We understand that shapefiles for parcels includes shapes, owners and acres. According to your website, <https://www.farmandhomepublishers.com/>, your company compiles information it receives from counties into publications for purchase by the general public. For example, a York County Wall Map, "showing land ownership (plat), rural residents (directory), or road map (NO Plat or Directory) information" may be purchased for \$126.

office outsources the work to an outside vendor, shouldn't they also have to follow the Nebraska laws regarding public information and what you can charge."

DISCUSSION

The NPRS generally allow Nebraska citizens and other interested persons the right to examine public records in the possession of public agencies during normal agency business hours, to make memoranda and abstracts from those records, and to obtain copies of public records in certain circumstances. Neb. Rev. Stat. § 84-712(3) sets out the allowable costs record custodians may charge to produce copies of public records to nonresident requesters:

(b) Except as otherwise provided by statute, the public body, public entity, or public official which is the custodian of a public record may charge a fee for providing copies of such public record pursuant to subdivision (1)(b) of this section, which fee shall not exceed the actual added cost of making the copies available. For purposes of this subdivision, (i) for photocopies, the actual added cost of making the copies available shall not exceed the amount of the reasonably calculated actual added cost of the photocopies, which may include a reasonably apportioned cost of the supplies, such as paper, toner, and equipment, used in preparing the copies, as well as any additional payment obligation of the custodian for time of contractors necessarily incurred to comply with the request for copies, (ii) for printouts of computerized data on paper, the actual added cost of making the copies available shall include the reasonably calculated actual added cost of computer run time and the cost of materials for making the copy, and (iii) for electronic data, the actual added cost of making the copies available shall include the reasonably calculated actual added cost of the computer run time, any necessary analysis and programming by the public body, public entity, public official, or third-party information technology services company contracted to provide computer services to the public body, public entity, or public official, and the production of the report in the form furnished to the requester.

(d) For nonresidents of Nebraska, the actual added cost used as the basis for the calculation of a fee for records may include a charge for the proportion of the existing salary or pay obligation to the public officers or employees, including a proportional charge for the services of an attorney to review the requested public records, for the time spent searching, identifying, physically redacting, copying, or reviewing such records. (emphasis added).

In addition, § 84-712(3)(g) allows public bodies to request a deposit prior to fulfilling a request if copies are estimated to be more than \$50.

As provided in the emphasized language above, "actual added costs" include the cost for the services of a third-party IT company under contract with a public body to

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provide computer services to produce records “in the form furnished to the requester.” According to documentation provided by Mr. Bulgrin, a SAM official confirmed that \$150 reflects its actual cost of computer run time, necessary analysis and programming, and “the time it takes to produce the shapefiles themselves.” The amount also includes the “[a]dditional analysis . . . required by the project manager and billing specialist on the project.” To be clear, the *public body* is subject to the actual added cost standard, not the contractor. SAM is a private company. Consequently, there is no legal basis to “make sure SAM follows the Nebraska Public Records Laws.” See C. Sheakley email to K. Bulgrin, October 8, 2025. Section 84-712(3)(b)(iii) allows public bodies in Nebraska to charge the amount charged by the contractor to produce the requested records, but nothing above this amount. With respect to your request, Mr. Bulgrin only charged the amount charged by SAM, i.e., \$150. No additional charges were assessed under § 84-712(3)(d) nor were you asked to provide a deposit.

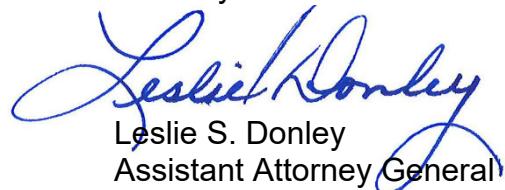
CONCLUSION

Section 84-712.03(1)(b) requires the Attorney General to determine, among other things, “whether the fees estimated or charged by the custodian are actual added costs or special service charges as provided under section 84-712.” Based on the foregoing, we conclude the \$150 charge constitutes Mr. Bulgrin’s actual added cost to produce the requested records. As a result, no further review by this office is necessary and we are closing this file.

If you disagree with the conclusion reached above, you may wish to review the other remedies available to you under Neb. Rev. Stat. § 84-712.03.

Sincerely,

MIKE HILGERS
Attorney General


Leslie S. Donley
Assistant Attorney General

c: Kurt Bulgrin (via email only)

49-4048-31