



STATE OF NEBRASKA  
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**MIKE HILGERS**  
ATTORNEY GENERAL

**LESLIE S. DONLEY**  
ASSISTANT ATTORNEY GENERAL

February 4, 2026

Via email at [REDACTED]  
Robert J. Borer  
[REDACTED]

RE: *Public Records Matter Involving the Lancaster County Board of Commissioners*  
Our File No. 20261007

Dear Mr. Borer:

This letter is in response to your emails received by this office on January 20 and 26, 2026, in which you requested our assistance concerning a public records request emailed to the Lancaster County Board of Commissioners (Board) on December 31, 2025. We forwarded your emails to Chief Deputy County Attorney Dan Zieg on January 22 and February 2, and discussed this matter with him earlier today. We construed your emails 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 in this matter are set forth below.

#### **RELEVANT FACTS**

On December 31, 2025, you sent an email to the Board<sup>1</sup> via its general email address ([commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov)) requesting the following records:

--all correspondence, digital and otherwise, to whomever, by County Board members and/or the County Attorney, in response to the presentation provided by Jessica Saxton and Tanawah Downing to the County Board at the September 23rd, 2025 County Board Meeting.

<sup>1</sup> You also sent your request to Lancaster County Attorney Patrick Condon, who is not a party to your petition.

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You received no response from the Board. On January 26, you forwarded to this office a copy of a response you received from David A. Derbin, the county's Chief Administrative Officer, on January 23. Mr. Derbin indicated that a search for responsive email would be conducted by the county's Information Services Department (ISD), which estimated it would take three hours to complete the search. Based on the ISD's hourly rate of \$107, the total estimate was \$321.

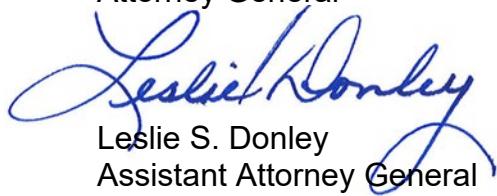
Your petition challenges the lateness of the response and the amount of the estimate.<sup>2</sup>

According to Mr. Zieg, your request was likely missed due to the holiday and the failure to timely respond was not intentional. He states that Mr. Derbin's referral to the ISD was for the purpose of providing you a complete response, not to obstruct your access to public records. However, Mr. Derbin acknowledges the county's response was late and is willing to waive ISD's costs to perform the email search. Mr. Derbin estimates that he will be able to provide you the results of the search no later than ten business days from the date of this letter.

Since Mr. Derbin will be providing you the results of the email search no later than February 19 at no cost, no further action by this office is warranted and we are closing our file. If you disagree with our handling of your petition, you may wish to discuss this matter with your private attorney to consider the other remedies available to you under the NPRS.

Sincerely,

MIKE HILGERS  
Attorney General



Leslie S. Donley  
Assistant Attorney General

c: Dan Zieg

49-4074-31

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<sup>2</sup> We note your petition also documents your concerns regarding the defunct Red Way air service, which in no way involves this records matter and will not be addressed.