



STATE OF NEBRASKA
Office of the Attorney General

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DOUGLAS J. PETERSON
ATTORNEY GENERAL

NATALEE J. HART
ASSISTANT ATTORNEY GENERAL

November 8, 2019

Scott Rupp
[REDACTED]

RE: *File No. 19-R-128; Central Nebraska Humane Society; Scott Rupp, Petitioner*

Dear Mr. Rupp:

We are writing in response to correspondence received by this office in which you petitioned for our review of the response to your request for records of the Central Nebraska Humane Society made by you to the Grand Island City Attorney under the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 through 84-712.09 (Reissue 2014, Cum. Supp. 2018) ("NPRS"). We have considered your petition under the NPRS and our findings in this matter are set forth below.

FACTS

Our understanding of the facts in this case is based on your public records request, the denial letter from the interim Grand Island City Attorney ("City Attorney"), and your petition. You made a request on October 28, 2019 to the City Attorney for "copies of Central Nebraska Humane Society board meeting minutes from July 2018 through October 2019 along with any informational handouts provided at those board meetings."

On November 5, 2019, the City Attorney responded, informing you that the records you seek are not public records. You seek review of this determination by our office and also complain that the City Attorney did not respond to your request within four business days.

ANALYSIS

The NPRS generally allow interested persons in Nebraska 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

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records in certain circumstances. The initial inquiry in any public records complaint is to determine whether the organization complained about is a public body which maintains public records. The NPRS provide that public records are all records and documents "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." Neb. Rev. Stat. § 84-712.01(1). While you made your request to the City Attorney, you requested records of the Central Nebraska Humane Society ("CNHS"). The CNHS is a private nonprofit organization which does not fall within the definition of "public body." Consequently, the records of the CNHS are not subject to the NPRS and you are not entitled to obtain copies of such records.

Additionally, your request for such records made to the City Attorney was misplaced, as the City Attorney is not the custodian of records of a private nonprofit organization. As the records of the CNHS are not public records, and your request was not made to the proper party, the provisions of the NPRS, including the requirement to respond within four business days, do not apply to your request.

CONCLUSION

As the Central Nebraska Humane Society is not subject to the Public Records Statutes, and your request to the City Attorney for records of that organization was misdirected, we are closing our file on this matter. If you disagree with our analysis under the Public Records Statutes set out above, you may wish to determine what additional remedies, if any, are available to you under those statutes. Thank you.

Sincerely,

DOUGLAS J. PETERSON
Attorney General



Natalee J. Hart
Assistant Attorney General

cc: Stacy Nonhof

02-754-29