

**OPEN RECORDS AND MEETINGS SUMMARY OPINION
2018-O-24**

DATE ISSUED: December 10, 2018

ISSUED TO: City of Mandan

CITIZEN'S REQUEST FOR OPINION

This office received a request for an opinion under N.D.C.C. § 44-04-21.1 from S. Paul Jordan asking whether City of Mandan violated N.D.C.C. § 44-04-18 by failing to respond to a record request.

FACTS PRESENTED

Mr. S. Paul Jordan sent a letter to the City of Mandan's Engineering and Planning Director on September 1, 2018, requesting a color copy of a previously disclosed record.¹ Mr. Jordan did not receive a response from the City of Mandan and requested an opinion. The City of Mandan states it did not receive Mr. Jordan's September 1, 2018, follow up request for records.² Upon receiving the request for information from the Office of Attorney General to prepare the opinion, and with it, a copy of Mr. Jordan's September 1, 2018, letter, the City of Mandan promptly sent a copy of the requested record to Mr. Jordan.³

ISSUE

Whether the City of Mandan violated open records law by failing to respond to a record request.

¹ Letter from S. Paul Jordan to Justin Froseth, Dir., Planning and Eng'g, City of Mandan (Sept. 1, 2018). Mr. Jordan received records from a previous records request made on Aug. 8, 2018, and noticed that there might be highlighted portions in the record. Mr. Jordan wanted a copy of the record showing the highlights.

² Letter from Justin Froseth, Dir., Planning and Eng'g, City of Mandan, to Att'y Gen.'s Office (Oct. 22, 2018).

³ *Id.*

ANALYSIS

“Except as otherwise specifically provided by law, all records of a public entity are public records, open and accessible for inspection during reasonable office hours.”⁴ “Upon request for a copy of specific public records, [public entities] shall furnish the requestor one copy of the public records requested” within a reasonable time.⁵ Here, the City of Mandan did not receive a copy of the request.⁶ Upon receiving a copy of Mr. Jordan’s request from this office, it promptly provided a response and the record requested. Opinions issued under N.D.C.C. § 44-04-21.1 must be based on the facts given by the public entity. I therefore find the City of Mandan did not violate open records law.

CONCLUSION

The City of Mandan did not violate open records law because it promptly responded to the open records request when it was received.

Wayne Stenehjem
Attorney General

sld
cc: S. Paul Jordan

⁴ N.D.C.C. § 44-04-18(1).

⁵ N.D.C.C. § 44-04-18(2), (8).

⁶ Letter from Justin Froseth, Dir., Planning and Eng’g, City of Mandan, to Att’y Gen.’s Office (Oct. 22, 2018).