



STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL

www.attorneygeneral.nd.gov

(701) 328-2210

Drew H. Wrigley
ATTORNEY GENERAL

OPEN RECORDS AND MEETINGS OPINION
2026-O-03

DATE ISSUED: January 27, 2026

ISSUED TO: Ransom County Commission

CITIZEN'S REQUEST FOR OPINION

Lynn Gonzalez requested an opinion from this office under N.D.C.C. § 44-04-21.1 asking whether the Ransom County Commission violated N.D.C.C. § 44-04-18 by requiring Ms. Gonzalez to sign a document for receipt of open records.

FACTS PRESENTED

Ms. Gonzalez spoke with Ransom County Deputy Auditor Maria Prouty on March 1, 2023, to request multiple records, including the minutes of certain Ransom County Commission (Commission) meetings.¹ Ms. Prouty was uncertain whether all the requested documents could be released and consulted Deputy Auditor Nickela Runck.² Ms. Runck asked Ms. Gonzalez to talk to Auditor Nicole Gentzkow when she returned to the office the following day.³ Ms. Gonzalez returned to the Auditor's office on March 3, 2023, and spoke to Ms. Gentzkow about why she had not been provided the minutes she requested.⁴ The meeting dates requested were not clear; Ms. Gentzkow asked Ms. Gonzalez to provide a request in writing clarifying the dates of the minutes that were requested.⁵ Ms. Gonzalez refused to make the request in writing and left the Auditor's office without clarifying her request.⁶ Ms. Gentzkow described Ms. Gonzalez's behavior during this encounter as "hostile."⁷

On April 10, 2023, Ms. Gonzalez appeared before the Commission and again made a request for the Commission's minutes.⁸ When asked for clarification by State's Attorney Fallon Kelly, Ms. Gonzalez still did not specify which minutes she wanted.⁹ Finally, on May 11, 2023, Ms.

¹ Letter from Nicole R. Gentzkow, Auditor, Ransom Cnty., to Drew H. Wrigley, Att'y Gen., Off. of Att'y Gen. (June 19, 2023).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

Gonzalez called Ms. Runck and requested the Commission's minutes for the past three years, in addition to timesheets.¹⁰ Ms. Runck acknowledged the request, noted she was about to leave for vacation, and stated that the minutes would be provided the following week.¹¹ Ms. Gonzalez became "very upset" as a result.¹² The requested minutes were made available for Ms. Gonzalez to pick up the next day, sooner than promised.¹³ The timesheets Ms. Gonzalez requested were available three days later on May 15, 2023.¹⁴ The day all the records were available, an email was then sent by the Auditor's office inviting Ms. Gonzalez "to come to the auditor's office, pay for these [records], and sign acknowledging she received them."¹⁵ The form that Ms. Gonzalez was asked to sign stated "I acknowledge the receipt of 2021, 2022, and January–April 18, 2023 commission minutes as requested. This completes the open records request for commission minutes with the Auditors [sic] office."¹⁶ Ms. Gonzalez was required to sign this acknowledgment "[d]ue to past experiences . . . so she cannot deny receipt of documentation requested."¹⁷ Ms. Gonzalez never returned to retrieve the minutes or timesheets.¹⁸ On May 30, 2023, Ms. Gonzalez made a request to this Office for an opinion regarding the Commission's alleged failure to provide the minutes.¹⁹

ISSUE

Whether the Commission violated N.D.C.C. § 44-04-18 by requiring Ms. Gonzalez to sign a document for receipt of open records.

ANALYSIS

The Commission is the governing body of a public entity and is subject to the open records law.²⁰ "Except as otherwise specifically provided by law, all records of a public entity are public

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Memo to Lynn Gonzalez from Nicole Gentzkow, May 12, 2023; Letter from Nicole R. Gentzkow, Auditor, Ransom Cnty., to Drew H. Wrigley, Att'y Gen., Off. of Att'y Gen. (June 19, 2023).

¹⁷ Letter from Nicole R. Gentzkow, Auditor, Ransom Cnty., to Drew H. Wrigley, Att'y Gen., Off. of Att'y Gen. (June 19, 2023).

¹⁸ *Id.*

¹⁹ Letter from Lynn P. Gonzalez, Ph.D., to Drew H. Wrigley, N.D. Att'y Gen., Off. of Att'y Gen. (May 24, 2023); Email from Lynn P. Gonzalez, Ph.D., to Off. of Att'y Gen. (May 30, 2023, 2:35 PM).

²⁰ N.D.C.C. § 44-04-17.1(6), (11), (13).

records, open and accessible for inspection during reasonable office hours.”²¹ Once requested, a public entity “shall furnish the requester one copy of the public records requested.”²² The initial request “need not be made in person or in writing,”²³ however, the “public entity may require written clarification of the request to determine what records are being requested.”²⁴ “A public entity may charge up to twenty-five cents per impression of a paper copy.”²⁵ “A record may not be denied unless a law provides that it is either exempt from the open records law or confidential.”²⁶ Collecting information not required by law before disclosing an open record “may be a deterrent to someone who requests access to public records.”²⁷ This office has previously held that a public entity may not require, or even imply to a requester, that the requester “must sign a form” in order to receive copies of open records.²⁸ “[E]ven when a requester’s behavior is discourteous, ‘it is the responsibility of the public entity to respond to the request within a reasonable time and the requester is not required to contact the entity again to find out when the records will be provided or made available.’”²⁹

The Commission was permitted to request “clarification” from Ms. Gonzalez in writing because the specific dates for the minutes she requested were not clear.³⁰ Ms. Gonzalez clarified the request on May 11, 2023, and the Commission had the minutes available for Ms. Gonzalez to pick up by the next day.³¹ The Commission also was permitted to ask Ms. Gonzalez to pay a fee for printing the minutes and could require payment of the printing costs prior to mailing or providing the records to Ms. Gonzalez.³² However, as prior opinions from this office have made

²¹ N.D.C.C. § 44-04-18(1).

²² N.D.C.C. § 44-04-18(2).

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ N.D.A.G. 2005-O-12, *citing* N.D.A.G. 98-F-13. *Accord* N.D.A.G. 2008-O-19 (“A person’s licensure status, or the fact that a business is based out of state, cannot be used as grounds to deny or delay providing records that are open to the public.”); N.D.A.G. 2009-O-02 (“[I]t is unnecessary for a person to disclose his or her name or employer in order to see or obtain copies of public records.”).

²⁷ N.D.A.G. 2006-O-15.

²⁸ *Id.*

²⁹ N.D.A.G. 2024-O-11 (quoting N.D.A.G. 2016-O-08, *citing* N.D.A.G. 2014-O-07; N.D.A.G. 2005-O-05; N.D.A.G. 2004-O-20; *see also* N.D.A.G. 2011-O-07; N.D.A.G. 2006-O-15; N.D.A.G. 2003-O-09; N.D.A.G. 2001-O-12). *Accord* N.D.A.G. 2014-O-07; N.D.A.G. 2011-O-07; N.D.A.G. 2006-O-15; N.D.A.G. 2005-O-05; N.D.A.G. 2004-O-20; N.D.A.G. 2003-O-09; N.D.A.G. 2001-O-12.

³⁰ N.D.C.C. § 44-04-18(2); Letter from Nicole R. Gentzkow, Auditor, Ransom Cnty., to Drew H. Wrigley, Att’y Gen., Off. of Att’y Gen. (June 19, 2023).

³¹ Letter from Nicole R. Gentzkow, Auditor, Ransom Cnty., to Drew. H. Wrigley, Att’y Gen., Off. of Att’y Gen. (June 19, 2023).

³² N.D.C.C. § 44-04-18(2).

clear, public entities may not devise and impose additional requirements before providing open records.³³ Accordingly, the Commission impermissibly required Ms. Gonzalez to acknowledge in writing that she received the minutes and that the provision of those documents satisfied her open records request.³⁴ There is no basis in law for the Commission to impose this additional requirement, and it may have the effect of deterring open records requests. It is my opinion that the Commission failed to comply with N.D.C.C. § 44-04-18 by imposing an additional requirement not found in law before providing the minutes to Ms. Gonzalez.

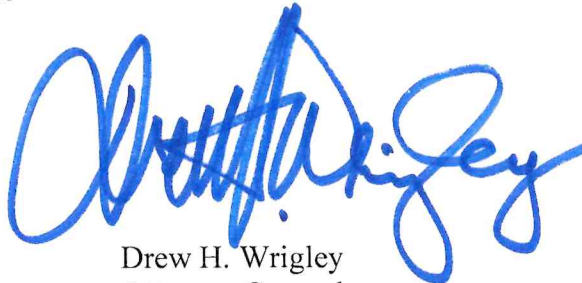
CONCLUSION

The Commission violated N.D.C.C. § 44-04-18 by requiring Ms. Gonzalez to sign an acknowledgment as a condition of receiving open records.

STEPS NEEDED TO REMEDY VIOLATION

The Ransom County Commission must provide the 2021, 2022, and January–April 2023, Commission minutes to Ms. Gonzalez and anyone else who requests them.

While I have every reason to expect the Commission will remedy this situation, failure to take the corrective measures described in this opinion within seven days of the date this opinion is issued will result in mandatory costs, disbursements, and reasonable attorney fees if the person requesting the opinion prevails in a civil action under N.D.C.C. § 44-04-21.2.³⁵ Failure to take these corrective measures may also result in personal liability for the person or persons responsible for the noncompliance.³⁶



Drew H. Wrigley
Attorney General

wdw

cc: Lynn Gonzalez

³³ *E.g.*, N.D.A.G. 2006-O-15; ND.A.G. 2008-O-19; N.D.A.G. 2009-O-02.

³⁴ N.D.C.C. § 44-04-21.1(1) requires that any opinion issued shall be based “on the facts given by the public entity.” Therefore, there is no need to have a signed statement by a requester that they received the records; this office will accept the facts as stated by the public entity.

³⁵ N.D.C.C. § 44-04-21.1(2).

³⁶ *Id.*