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OPEN RECORDS AND MEETINGS SUMMARY OPINION
2026-O-17

DATE ISSUED: August 31, 2026

ISSUED TO: James River Humane Society

SUMMARY OPINION¹

Masaki Ova, reporter for the Jamestown Sun, requested an opinion from this office under N.D.C.C. § 44-04-21.1 asking whether the James River Humane Society (Humane Society)² violated N.D.C.C. § 44-04-18 by withholding records in response to an open records request. Mr. Ova requested from the Humane Society certain financial reports, meeting minutes, tax records, treasurer's reports, and bylaws. The Humane Society admits that it only provided some of the records requested and did not provide the remaining records because its board members were "under the impression that all [Mr. Ova] needed was the monthly meetings from August 2023 to August of 2024." But there is no evidence that Mr. Ova modified his original request or withdrew his request for the remaining records. It is therefore my opinion that the Humane Society violated N.D.C.C. § 44-04-18 by not providing all of the requested records.

STEPS NEEDED TO REMEDY VIOLATION

The Humane Society must provide the remaining records to Masaki Ova at no charge.

While I have every reason to expect the James River Humane Society 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. § 44-04-21.2.³

¹ This Summary Opinion is issued pursuant to the authority granted to this office in N.D.C.C. § 44-04-21.1(1).

² The James River Humane Society is supported in part by mill levy funds from the City of Jamestown and is therefore a public entity for purposes of the open records law. N.D.A.G. 2015-O-01.

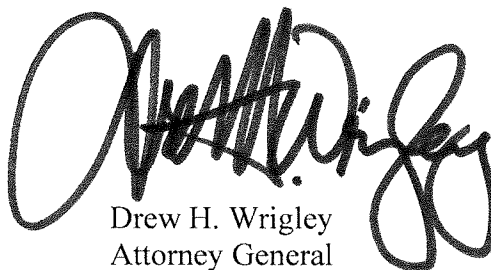
³ N.D.C.C. § 44-04-21.1(2).

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Failure to take these corrective measures may also result in personal liability for the person or persons responsible for the noncompliance.⁴



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Attorney General

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cc: Masaki Ova

⁴ *Id.*