



Open Records Statute Request from Steve Horn - 6/13/14

Steve Horn

Fri, Jun 13, 2014 at 3:43 PM

To: rdeboer@nd.gov

Cc: nddes@nd.gov

Dear Mr. DeBoer:

Under the North Dakota Open Records Statute, N.D.C.C. §44-04-18 et seq., I would like copies of the following public records:

- 1.) All records possessed by the North Dakota Department of Emergency Services that pertain to communications between North Dakota Department of Emergency Services officials and officials representing railway companies, tank car companies and/or oil/gas/petroleum companies about the [May 7 U.S. Department of Transportation Emergency Order on Petroleum Crude Oil Railroad Carriers \(Docket No. DOT-OST-2014-0067\)](#).
- 2.) Any and all records submitted by railroad companies the Idaho Bureau of Homeland Security in compliance with the [May 7 U.S. Department of Transportation Emergency Order on Petroleum Crude Oil Railroad Carriers \(Docket No. DOT-OST-2014-0067\)](#).

As defined in 44-04-17.1 of the North Dakota Open Records Statute, "record" is defined as "recorded information of any kind, regardless of the physical form or characteristic by which the information is stored, recorded, or reproduced, which is in the possession or custody of a public entity or its agent and which has been received or prepared for use in connection with public business or contains information relating to public business. 'Record' does not include unrecorded thought processes or mental impressions, but does include preliminary drafts and working papers. 'Record' also does not include records in the possession of a court of this state."

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$100. I also request a prompt response to this request.

As the North Dakota Office of the Attorney General explains in its Citizen's Guide to North Dakota's Open Meetings and Open Records Laws, "Depending on the amount and type of records requested, a 'reasonable' time could be a couple of hours or a few days, but not several days or weeks."

If you expect a significant delay in responding to or in fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,
Steve Horn