

JUN 02 2021

IN THE TRIAL COURT OF THE OSAGE NATION
PAWHUSKA, OKLAHOMA

BY 

Osage News Editorial Board

Claimant,

vs.

Principal Chief of the Osage Nation
Geoffrey Standing Bear

Respondent.

Case No.

CR-2021-0003

CLAIM OF RECORDS ACCESS

COMES NOW the above-named Claimant against the Respondent and alleges and states as follows:

1. The Claimant requested the following public record: _____
names of persons on the Small Business CARES Act Assistance Committee

by the following means (written request, e-mail request, etc.): _____
e-mail request

from the following Osage Nation entity (Respondent official entity name): _____
Principal Chief of the Osage Nation Geoffrey Standing Bear

on the 15 day of December, 2020.

Claimant utilized the following Respondent address/contact information to make said request:
Susan Bayro (sbayro@osagenation-nsn.gov), copying Clinton Patterson (cpatterson@osagenation-nsn.gov)

Principal Chief Geoffrey Standing Bear (gstandingbear@osagenation-nsn.gov), copying Sheryl Decker (sdecker@osagenation-nsn.gov)

(Please attach a copy of the request made by Claimant).

2. The Respondent provided the following response to the Claimant:

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☒ Respondent determined the requested record is protected from disclosure on the _____
December _____, 20_____, as shown by the attached response of
day of _____, 20_____, as shown by the attached response of
Respondent.

☐ Respondent failed to respond to the request according to the requirements set forth in 15
ONC § 8-107(E) as follows: _____

WHEREFORE, Claimant prays this Court grant an order to compel disclosure of the
requested record and any such other relief the Court sees fit in accordance with 15 ONC § 8-109(D)
and 15 ONC § 8-113.

Respectfully submitted,

Osage News Editorial Board

Claimant

VERIFICATION

(Verification required if Claimant is represented by legal counsel; Claim for Records Access may
be signed without verification by Claimant appearing *pro se*.)

I verify that I have prepared and read this claim and verify that all of the factual allegations contained
in this claim are in fact true and correct to the best of my knowledge and belief, under penalty of
perjury.

REPORTERS Kathryn E. Gardner
COMMITTEE 110 S. Hartford Ave., Ste. 2524
FOR FREEDOM OF THE PRESS Tulsa, OK 74120

Kathryn E. Gardner ONBA 285
Counsel for the Claimant KGardner@rcfp.org
19181255-0060

Subscribed and sworn to before me this _____ day of _____, 20_____.

Court Clerk

Open Records Request Form

Requests for public records from the Osage Nation are subject to the Open Records Act (ONCA 10-05). In order to request an Osage Nation document, please fill out the following form. All requests will be completed in the order they are received.

Name Shannon Shaw Duty

Address 604 Kinekah, Pawhuska, OK 74056

Organization Osage News

Telephone 918-637-9132 Fax —

Email sshaw@osagenation-nsn.gov

Date of Request 12-15-20

Document(s) Requested:

Individuals named /placed/ appointed to Small Business CARES Act Assistance Committee by Principal Chief Standing Bear.

(Attach additional page(s) if necessary)

Department from which records are requested: Executive - Principal Chief Geoffrey Standing Bear

Preferred form of document(s) requested: (Please check one. Note: Not all documents available in electronic form)

☐ Hard Copy

☒ Electronic Copy

The Open Records Act designates public records and protected records. Confidential and protected records are not open to the public, and therefore will not be distributed upon request. Records containing protected information are segregated or redacted from the remainder of the otherwise public record if the remainder of the document is discernible.

Notice: Please allow ten (10) business days, excluding holidays, for your request to be processed. A 25¢ per page fee will be assessed for all hard copies exceeding twenty-five (25) pages and all electronic copies exceeding one hundred (100) pages. If the requested record is more than one hundred (100) pages in length or the sum of all records requested by one request are more than one hundred (100) pages, the request will be processed within twenty (20) business days, excluding holidays.

Shannon Shaw Duty
Signature

12-15-20
Date

1071 Grandview Lane
Pawhuska, OK 74056



T:918-287-5514
F:918-287-5468

Via Electronic Mail to sshaw@osagenation-nsn.gov

December 28, 2020

Osage News
Attn: Shannon Shaw Duty, Editor-in-Chief
604 Kihekah Ave.
Pawhuska, OK 74056

RE: ORR to Release Small Business CARES Act Assistance Committee Members' Names

Dear Mrs. Shaw Duty:

Please let this letter serve as a formal denial of your open records request dated December 15, 2020. You requested the names of the persons on the Small Business CARES Act Assistance Committee. I am denying your request under the Osage Nation Open Records Act at 15 ONC § 8-104(A)(17). The names of the Committee members are private, or otherwise protected, and shall not be considered public for purposes of required disclosure as the requested records "contain data on individuals, which if disclosed, would constitute a clearly unwarranted invasion of privacy."

The disclosure of the names of the Committee members would shed no light on the Committee's performance in their limited employment duty to process applications for federal funds in accordance with restrictions outlined in the Treasury's Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments, as set forth in section 601(d) of the Social Security Act, and added by section 5001 of the CARES Act. Further, the names of the Committee members contains no probative value and does not reveal the operations or actions of the Committee or the Osage Nation. Therefore, there is no public interest served by releasing the names of the Committee members and their release is outside of the interest the Open Records Act was enacted to serve.

You have the right to file a petition in the Osage Nation Trial Court for an order releasing the record within one hundred eighty (180) days from the date of this denial.

We appreciate your reporting on Osage Nation issues and we value your commitment to the Osage people. We wish you and the Osage News continued success into 2021.

Best regards,

A black rectangular box redacting the signature of Clint Patterson.

Clint Patterson,
Osage Nation Attorney General