

**NOTICE OF ADMINISTRATIVE APPEAL / DEMAND FOR COMPLIANCE
PURSUANT TO AS 40.25.110 – AS 40.25.220**

DATE: September 20, 2026

TO: City Manager, City of Dillingham; City Attorney, City of Dillingham

CC: Abigail Flynn, City Clerk; Planning Director, City of Dillingham

FROM: Samantha Holmberg

**RE: Structural Deficiencies in Public Records Response / Failure of Internal Controls /
Spoliation Risk Regarding Planning Commission and Utility Records**

EXECUTIVE SUMMARY

This correspondence serves as a formal administrative appeal and demand for immediate compliance under the Alaska Public Records Act (APRA). On September 18, 2026, City Clerk Abigail Flynn formally admitted via email: *"I don't have any Planning Commission records. The Planning Director takes care of all of that..."* This admission, juxtaposed against the timeline of this request, establishes that the public records search currently being executed by the City of Dillingham is legally deficient, structurally flawed, and non-compliant with AS 40.25.110.

1. LEGAL DEFICIENCIES OF THE SEPTEMBER 17 IT SEARCH

On September 17, 2026, specific IT keyword search queries regarding the Baumgartner property dispute (USS 2732 / USS 3734) were dispatched to an external IT contractor. However, because the City Clerk formally admitted on September 18 that her office maintains zero custody or oversight of Planning Commission files, the city has confirmed that:

- The external IT search was executed against a siloed, incomplete data repository.
- If the external contractor only searched servers, mailboxes, or drives under the Clerk's immediate jurisdiction, the entire search completely bypassed the Planning Department's independent records.

Under APRA, a municipality cannot fulfill its statutory obligations by running a blind search on a fractured system. The city is legally required to search all departments holding responsive materials.

2. VIOLATION OF PROCESSING PRIORITY AND COST PROTECTIONS

The original request dated September 17 explicitly utilized cost-protection boundaries, capping staff time at the 5-hour free monthly limit and prioritizing the workload as follows:

- **Priority 1:**
Item 3 (Frozen Water Line Records for 211 E. Main St. / Holmberg / Curbstop).
- **Priority 2:**
Item 2 (Public Works IT Search Terms).
- **Priority 3:**
Item 1 (Water System Improvement Grant Summary).

Because the Clerk has disclaimed custody of the Priority 2 records, the City must immediately disclose whether the external contractor completed Priority 1 (Item 3: Frozen Water Line Records) before exhausting any billable limits. Failure to produce the Priority 1 digital service logs while claiming a procedural blockage on Priority 2 constitutes a willful frustration of the request.

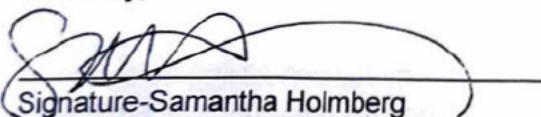
3. FORMAL DEMANDS TO REMEDY BREACH

To avoid immediate escalation to the Superior Court for the Third Judicial District under AS 40.25.125, the City of Dillingham must immediately take the following corrective actions:

- **Expand the IT Search Mandate:** Formally instruct the external IT contractor to run the copy-and-paste work order provided on September 17 across all digital drives, local machines, and email archives belonging to the Planning Department and Public Works Department, rather than limiting it to the Clerk's repository.
- **Issue an Immediate Evidence Hold:** Order the Planning Director and Public Works Department to place an immediate administrative hold on all files—physical and digital—concerning USS 2732 A&B, USS 3734 A&B, Lot 1, Lot 4, Block 14, and 211 E. Main St. to prevent spoliation of public property.
- **Disclose Search Term Verification:** Provide a copy of the exact work order sent to the external contractor on September 17 to prove that the syntax ("plat change" OR "lot line vacation") was executed accurately.
- **Release Priority 1 Records:** Instantly produce the digitized service logs for the 211 E. Main St. frozen water line, which require zero manual sorting by the Clerk's office.

The City of Dillingham has a non-delegable duty to maintain centralized internal controls sufficient to comply with state law. We expect a formal response detailing how the city intends to correct this custodial breach within the statutory timelines provided under Alaska law.

Sincerely,



Signature-Samantha Holmberg
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