



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

February 4, 2026

Via email

Oklahoma State Bureau of Investigation
c/o Shannon J. Desherow, Assistant General Counsel
(Shannon.Desherow@osbi.ok.gov)

Re: Public Access Counselor Advisement – Complaint No. 2025-64

Dear Counsel,

This is an official advisement regarding the above-referenced complaint (“Complaint”) submitted to this office pursuant to 51 O.S.Supp.2025, § 24A.40. The Public Access Counselor (“PAC”) received the Complaint on October 9, 2025 from Jeff Karasek, a private citizen. The Complaint alleges that the Oklahoma State Bureau of Investigation (“OSBI”) improperly denied a request under the Oklahoma Open Records Act (“ORA”) for records related to Mr. Karasek’s blood alcohol test conducted by the OSBI laboratory.

Per the terms of 51 O.S.Supp.2025, § 24A.40(F), I conducted an initial review and determined the Complaint warranted a response from OSBI. In its response, OSBI argues that 74 O.S.2021, § 150.5 requires it to keep the records sought by Mr. Karasek confidential.

Upon review of the records provided by OSBI and consideration of OSBI’s response, I have determined the following:

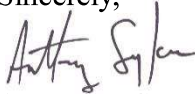
1. While the ORA requires records of public bodies to be “open to any person for inspection, copying, or mechanical reproduction,” it “does not apply to records specifically required by law to be kept confidential[.]” 51 O.S.Supp.2025, § 24A.5.
2. Title 74, section 150.5 is one such law. Specifically, it deems confidential and not open to the public all records relating to an OSBI investigation, “including any records of laboratory services provided to law enforcement agencies...” 74 O.S.2021, § 150.5(D)(1).¹ Underscoring these strict confidentiality requirements, the statute further provides that unauthorized disclosure of information contained in confidential OSBI records is a misdemeanor. *Id.* § 150.5(D)(2).

¹ Even after the investigation is closed, the records remain confidential. *See Hicks v. Thompson*, 1993 OK 57, 851 P.2d 1077

3. While OSBI has limited discretion to disclose these records to certain listed recipients, Mr. Karasek does not fall within any of the categories. *See* 74 O.S.2021, § 150.5(D)(1); *see also* 1998 OK AG 27, ¶¶ 9-10.
4. Mr. Karasek directs my attention to 47 O.S.Supp.2025, § 752, which governs blood testing in cases of suspected DUI. Subsection (K) requires the testing lab to “make available a written report of the results of the [blood] test” to the “tested person.” Mr. Karasek argues that this provision takes precedence over the statute cited by OSBI, particularly in light of the ORA’s policy of public access. *See, e.g., Okla. Ass’n of Broadcasters, Inc. v. City of Norman*, 2016 OK 119, ¶ 15, 390 P.3d 689, 694.
5. Here it is important to note precisely what 47 O.S.Supp.2025, § 752(K) requires: that the tested person be provided access to a “written report of the results” of the blood test. What Mr. Karasek sought from OSBI was not the written report, but additional “administrative metrics” regarding his blood test, such as chain of custody information and intake notes. These are not required to be provided separately from the report described in subsection (K). It is my understanding that OSBI already provided its written report to Mr. Karasek.

Based on the information available to me at this time, I conclude that OSBI has a good-faith legal basis to deny access to the records sought by Mr. Karasek. Under 51 O.S.Supp.2025, § 24A.40(G), no further response to the above-referenced Complaint is required. If you have any questions, please do not hesitate to contact me at (405) 522-2771 or by email at opengov@oag.ok.gov.

Sincerely,



ANTHONY SYKES

*Assistant Attorney General
Public Access Counselor*

cc: Jeff Karasek (*via email*)