

May 26, 2005

Robert Faulkner
400 Court St.
Evansville, IN 47708

Re: Formal Complaint 05-FC-81; Alleged Violation of the Access to Public Records Act by the Indiana State Board of Accounts.

Dear Mr. Faulkner:

This is in response to your formal complaint alleging that the Indiana State Board of Accounts (“SBA”) violated the Access to Public Records Act (“APRA”) by failing to respond within seven (7) days to your written request for public records.

BACKGROUND

On April 29, 2005 you filed a formal complaint with this office. Cause number 05-FC-81 was assigned to that complaint. Your complaint alleged that you sent a written request for public records to the SBA on April 15, 2005. As of the filing of your complaint on April 29, 2005 you had not received a response from the SBA.

I forwarded a copy of your complaint to the SBA. Mr. Philip McGovern responded on behalf of the SBA, by letter dated May 2, 2005. A copy of that letter is attached for your reference.

Mr. McGovern admitted the error on the part of the agency due to his absence from the office. He attached a copy of a cover letter he sent to you, providing the documents to you and waiving the copying fee. Mr. McGovern also provided a copy of an e-mail that he sent to the entire SBA staff advising them on how to comply with requests for public records in order to avoid any future violations.

ANALYSIS

Any person may inspect and copy the public records of a public agency, except as provided in section 4 of the APRA. IC 5-14-3-3(a). If a public agency receives a request for

records via U.S. mail, facsimile, or e-mail, it has seven days in which to respond. IC 5-14-3-9(b). A response may be an acknowledgment that the request for records was received, and a statement of how and when the public agency intends to comply. If the public agency fails to respond within seven days of its receipt of the request, the request is deemed denied.

While it is commendable that the SBA acted to remedy the situation and to prevent future violations, I must still find that it failed to respond to your request within the required time frame.

CONCLUSION

For the foregoing reasons, I find that the Indiana State Board of Accounts violated the Access to Public Records Act by failing to timely respond to your written request for public records.

Sincerely,

Karen Davis
Public Access Counselor

cc: Philip McGovern