

June 7, 2006

E. Frank Webster  
1166 N. Gardner  
Scottsburg, IN 47170

*Re: Formal Complaint 06-FC-83; Alleged Violation of the Access to Public Records Act by the City of Scottsburg*

Dear Mr. Webster:

This is in response to [your formal complaint](#) alleging that the City of Scottsburg (“City”) violated the Access to Public Records Act by charging an excessive fee for copies. Because your complaint is not timely, I cannot issue a formal advisory opinion.

#### BACKGROUND

You allege in [your formal complaint](#), which you filed on May 8, 2006, that “City Hall” charges \$2.00 per copy for all records. You intended to allege that the City charges an excessive copy fee. You did not allege when you were charged \$2.00 per copy for a record. Upon my inquiry, you indicated that you had been charged the fee for copies in the fall of 2004, and some time in 2005.

I sent a copy of your complaint to the City. The City Attorney Kerry Thompson responded. I have enclosed a copy of the response for your reference. City Attorney Thompson stated that he did not know whether you had actually tried to purchase copies of records of the City, but Mr. Thompson acknowledged that the City had established by 1991 ordinance a \$2.00 per page copy fee. However, on April 17, 2006, the City Council passed an ordinance that set a copy fee of \$.10 per page. Because your complaint was filed after the new ordinance was adopted, you may not have been aware of this change.

## ANALYSIS

Any person denied a right conferred by Indiana Code 5-14-3 [the Access to Public Records Act] may file a formal complaint with the counselor under the procedures prescribed by IC 5-14-5, or may make an informal inquiry under Indiana Code 5-14-4-10(5). IC 5-14-5-6. A person who chooses to file a formal complaint with the counselor must file the complaint not later than thirty (30) days after the denial of the right. IC 5-14-5-7(a).

You have acknowledged that the City charged you the \$2.00 copy fee in 2004, and some time in 2005. You have not alleged that the City charged a \$2.00 copy fee within the 30 days prior to your complaint. Therefore, I cannot issue a formal advisory opinion. However, I can issue an informal inquiry response. For readers of this opinion, you may follow the link [[www.in.gov/pac](http://www.in.gov/pac)] to the informal response. I have enclosed my [informal inquiry response](#) in this letter.

Sincerely,

Karen Davis  
Public Access Counselor

cc: Kerry Thompson