

May 23, 2007

Tyrone Frazier  
#940476  
Indiana State Prison  
P.O. Box 41  
Michigan City, IN 46361-0041

*Re: Formal Complaint 07-FC-107; Alleged Violation of the Access to Public Records Act by the Marion County Clerk*

Dear Mr. Frazier:

This is in response to your formal complaint alleging that the Marion County Clerk ("Clerk") violated the Access to Public Records Act by failing to provide records. I find that the Clerk did not violate the Access to Public Records Act because the Clerk has provided all the records contained in her files for the specific cause number.

#### BACKGROUND

You have filed another complaint against the Clerk alleging that you have not received certain records from Cause Number 49G04-0212-PC-294197. I sent your complaint to the Clerk. Chief of Staff Teresa A. Hall responded; I have enclosed a copy of her response.

Ms. Hall averred that she has thoroughly investigated the files of six different causes involving your cases. She has concluded that all documents that are in the Clerk's possession have already been disclosed to you, both by the current Clerk and by the previous Clerk. There are no other records to disclose.

#### ANALYSIS

Any person may inspect and copy the public records of any public agency, except as provided in section 4 of the Access to Public Records Act ("APRA"). Ind. Code 5-14-3-3(a). A public agency is required to provide one (1) copy of a public record. IC 5-14-3-8(e).

The Clerk has reviewed its files and has determined that every document in its possession regarding the six cause numbers has been disclosed. You may believe that a document should be in the Clerk's possession, but in fact the document has never been filed with the Clerk. The Clerk is not required to obtain a record from another agency in order to satisfy your request for a record.

#### CONCLUSION

For the foregoing reasons, I find that the Marion County Clerk has not violated the Access to Public Records Act.

Sincerely,

Karen Davis  
Public Access Counselor

cc: Teresa A. Hall