

May 30, 2007

Jackie E. Fields
100 Larrimer Street
P.O. Box 185
Crane, IN 47522

Re: Formal Complaint 07-FC-112; Alleged Violation of the Access to Public Records Act by the Town of Crane

Dear Mr. Fields:

This is in response to your formal complaint alleging that the Town of Crane (“Town”) violated the Access to Public Records Act by failing to provide a copy of a water sewer ordinance. I find that the Town should have provided the ordinance, and in failing to do so, violated the Access to Public Records Act.

BACKGROUND

You allege that the clerk treasurer of the Town, Joyce Hughes, could not find the sewer ordinance you requested when you visited the Town. I received a response from town attorney Todd R. Corn. He enclosed the town ordinance no. 2005-3 without further explanation concerning the circumstances surrounding the clerk’s failure to find the ordinance when you requested it.

The ordinance was passed at a meeting of the town council on June 6, 2005. The attesting clerk was Mary Kay Robinson.

ANALYSIS

Under IC 36-5-6-6(a)(7), the clerk treasurer must maintain custody of the town seal and the records of the legislative body. Under the Access to Public Records Act, a public agency is required to protect public records from loss. IC 5-14-3-7(a). All public records are available for inspection and copying, unless exempt under section 4 of the Access to Public Records Act.

The Clerk Treasurer of the Town of Crane violated the Access to Public Records Act when she failed to provide a copy of a town ordinance when you requested it. Although it does not alter my opinion that the Town violated the Access to Public Records Act, the ordinance is enclosed with this advisory opinion.

Sincerely,

Karen Davis
Public Access Counselor

cc: Todd R. Corn