

May 31, 2007

Marlan C. Bonds  
#953219  
Indiana State Prison  
P.O. Box 41  
Michigan City, IN 46361-0041

*Re: Formal Complaint 07-FC-119; Alleged Violation of the Access to Public Records Act by the Elkhart County Prosecutor's Office*

Dear Mr. Bonds:

This is in response to your formal complaint alleging that the Elkhart County Prosecutor's Office ("Prosecutor") violated the Access to Public Records Act by failing to respond to your request for records. I find that the Prosecutor did respond to your request, by stating that the Prosecutor had no responsive records.

#### BACKGROUND

You claim that the Prosecutor failed to respond to your request for records of April 2007 in which you requested any contract of the Prosecutor and Oaklawn Community Mental Health Center. The Prosecutor provided me with a copy of the April 20 response sent to your attention by Deputy Prosecutor Mark D. Altenhof. Mr. Altenhof's response to you stated that the Prosecutor had no contract with Oaklawn Community Mental Health Center.

#### 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). If a public agency receives a request for a record in person or by telephone, the public agency is required to respond within 24 hours or the record is deemed denied. IC 5-14-3-9(a). If the public agency receives a request for a record via U.S. Mail or facsimile, the public agency is required to respond within seven calendar days, or the request is deemed denied. IC 5-14-3-9(b).

The Prosecutor sent a response to your mailed request after all. The enclosed copy bears this out. Further, the Prosecutor's response was timely. The Prosecutor stated that he has no responsive records. You have not alleged a violation of the Access to Public Records Act by your complaint.

#### CONCLUSION

For the foregoing reasons, I find that the Elkhart County Prosecutor's Office did not violate the Access to Public Records Act.

Sincerely,

Karen Davis  
Public Access Counselor

cc: Mark D. Altenhof