

June 25, 2007

Mr. William G. Zartman III  
3309 Main Street  
Macy, IN 46951

*Re: Formal Complaint 07-FC-141; Alleged Violation of the Access to Public Records Act by the Nyona-South Mud Lakes Conservancy District*

Dear Mr. Zartman:

This is in response to your formal complaint alleging that the Nyona-South Mud Lakes Conservancy District (“District”) violated the Access to Public Records Act because the District has unreasonably delayed your access to records. I find that the District is required to keep its records in an office established by the District and to provide access to records within a reasonable time. I also find that your request must state the records requested with reasonable particularity.

#### BACKGROUND

You allege that your April 28 request for records has still not been fulfilled as of May 24, 2007, when you filed your formal complaint. In the documentation you provided with your complaint, the District has not intentionally denied your request. On May 16, Mr. Roe told you that he was moving the filing cabinets to the district’s new facility and would bring the files from all the board members. He thought that you would receive the records you requested in the next week. He also asked you to clarify what records you requested since your request was for all District records spanning certain dates. He asked that you clarify your request by specific topic. You declined to delimit your request for records, since you believe that any and all records of the District are required by statute to be available for inspection and copying.

I sent a copy of your complaint to Mr. Ron Roe of the District, but have not received any response.

## ANALYSIS

Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of the Access to Public Records Act. Ind. Code 5-14-3-3(a). A request must identify the record requested with reasonable particularity. IC 5-14-3-3(a)(1). There are no specific timeframes for when a public agency must produce a record. The public agency should produce the records requested within a reasonable time, in keeping with the policy of openness in the Access to Public Records Act. *See* IC 5-14-3-1.

A conservancy district is required to maintain an office for district records. IC 14-33-5-19. A conservancy district is required to keep a record of all transactions and minutes of all meetings in the office, and keep all records and minutes available for inspection by any interested person of the district during the hours that the district office is open for business. IC 14-33-5-19(b)(2) and (3).

You telephoned my office on May 30 to report that you had been informed by Mr. Roe of a time on June 4 to review all the District's records. If the delay of one month was due to the District's failure to comply with state law to establish a district office and maintain records there, then I agree that this was not reasonable. Since the District's records are not arranged by date, then the District may ask you to establish with more specificity what records you would like to view at least initially, if it is your intention to eventually review all District records.

## CONCLUSION

For the foregoing reasons, I find that Nyona-South Mud Lakes Conservancy District is required to keep its records in an office established by the District and to provide access to the records within a reasonable time.

Sincerely,

Karen Davis  
Public Access Counselor

cc: Ron Roe