

July 5, 2007

Tonya Coffman  
4906 Pembridge Drive  
Indianapolis, Indiana 46254

*Re: Formal Complaint 07-FC-150; Alleged Violation of the Access to Public Records Act by the Indianapolis Fire Department*

Dear Mr. Bonds:

This is in response to your formal complaint alleging the Indianapolis Fire Department (“Department”) violated the Access to Public Records Act (APRA) (Ind. Code 5-14-3) by failing to respond to your request for records. A copy of the Department’s response to your complaint is enclosed for your reference. The Department indicates it is working to fulfill your request but does not provide evidence a response was issued to you within seven days of your request. While the response is untimely, I find that the Department did not otherwise violate APRA.

#### BACKGROUND

Your complaint alleges that on May 14, 2007 you requested documents relating to a grievance you filed in 2004 that was ultimately denied by the Indianapolis Fire Department Discrimination Grievance Panel. You filed the formal complaint with this office on June 5, 2007, indicating you had not received the requested documents.

In response to your complaint, the Department provided a letter indicating the Indianapolis Office of Corporation Counsel has been communicating regularly with your attorney through letters, emails and telephone conversations for the purpose of exchanging information. In the letter dated June 20, 2007, the Office of Corporation Counsel estimated it would take approximately two more weeks before the documents would be sent to you. I have further spoken to the Office of Corporation Counsel and have learned they have sent you all documents they possess that are responsive to your request.

## ANALYSIS

Indiana Code 5-14-3-3(a) provides that 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 APRA. A “public record” means any writing, paper, report, study, map, photograph, book, card, tape recording or other material that is created, received, retained, maintained or filed by or with a public agency. IC 5-14-3-2. A request for records may be oral or written. IC 5-14-3-3(a); 5-14-3-9(c). If the request is delivered by mail or facsimile, the agency must respond to the request within seven days of receipt. IC 5-14-3-9(b).

Your complaint alleges the Department did not respond to your request. The Department provided an indication it has been working with you to answer your request, but does not specifically refute the allegation that it did not respond to your request within the seven days required by APRA. While the statute does not require production within seven days, it does require a response from the agency with at least an indication the agency is working to address the request. The Department has since indicated, however, that it has been working to produce the documents you have requested.

## CONCLUSION

For the foregoing reasons, I find that while the response was untimely, the Indianapolis Fire Department did not further violate the Access to Public Records Act.

Best regards,

Heather Willis Neal  
Public Access Counselor

cc: Lauren Toppen, Office of Corporation Counsel, City of Indianapolis