

July 2, 2007

Danny Dotson
PO Box 304
Paragon, Indiana 46166

Re: Formal Complaint 07-FC-157; Alleged Violation of the Access to Public Records Act by the Town of Paragon Police Department

Dear Mr. Bonds:

This is in response to your formal complaint alleging that the Town of Paragon Police Department (“Department”) violated the Access to Public Records Act (APRA) (Ind. Code 5-14-3) by failing to respond to your request for public records dated October 2006, December 2006, and February 2007. I find that the Department failed to respond to your request in violation of the Access to Public Records Act.

BACKGROUND

You allege that the Department failed to respond to your request for records pertaining to financial information maintained at the Department. You indicate you have requested these records several times since October 2006. You further indicate the Department has not responded to date.

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 (“APRA”). 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 Department did not send a response to your request. I find that the Department did violate the Access to Public Records Act because the Act requires that a response be sent within seven days of receiving a mailed request.

CONCLUSION

For the foregoing reasons, I find that the Town of Paragon Police Department violated the Access to Public Records Act.

Best regards,

Heather Willis Neal
Public Access Counselor

cc: Dave Zoller, Town of Paragon Police Department