

October 3, 2007

Stuart Showalter
PO Box 374
Lebanon, Indiana 46052

Re: Formal Complaint 07-FC-264 and 07-FC-291; Alleged Violation of the Access to Public Records Act by the Town of Thorntown and the Thorntown Town Council

Dear Mr. Showalter:

This is in response to your formal complaints alleging the Town of Thorntown ("Town") and the Thorntown Town Council ("Council") violated the Access to Public Records Act ("APRA") (Ind. Code §5-14-3). A copy of the Town's response is enclosed for your reference.

As I indicated to you in my letter dated August 30, I believe that because you are involved in litigation with the Town by which Judge McClure has made a specific order regarding your access to records created or maintained by the Town, I believe I am precluded from issuing an opinion in this matter.

One of the duties of the public access counselor is to issue advisory opinions to interpret public access laws upon the request of a person or public agency. However, the counselor may not issue an advisory opinion concerning a specific matter with respect to which a lawsuit has been filed under I.C. §5-14-3 or I.C. §5-14-1.5. See I.C. §5-14-4-10(6).

For the foregoing reasons, it is my opinion I.C. §5-14-4-10(6) precludes me from issuing an opinion in this matter. In the future my office will return to you any complaints regarding this matter.

Best regards,



Heather Willis Neal
Public Access Counselor

cc: Cy Gerde, Town of Thorntown Attorney