

April 16, 2007

Thomas Bundza  
#14472  
Plainfield Correctional Facility  
727 Moon Road  
Plainfield, IN 46168

*Re: Formal Complaint 07-FC-71; Alleged Violation of the Access to Public Records Act by the Elkhart Superior Court Clerk*

Dear Mr. Bundza:

This is in response to your formal complaint alleging that the Elkhart Superior Court Clerk ("Clerk") violated the Access to Public Records Act by failing to respond to your request for a record. I find that the Elkhart Superior Court Clerk failed to respond in violation of the Access to Public Records Act but has now provided the record.

#### BACKGROUND

You requested of Stephanie Burgess, Clerk of the Court, a copy of the Chronological Case Summary (CCS) for Cause No. 20D02-0112-DF-102. Ms. Burgess responded to your complaint. She confirms that the requested information was not mailed to you due to a miscommunication within her office. She affirms that she mailed the CCS to you on March 19, 2007.

#### 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).

As Ms. Burgess states, she had not provided the CCS due to a miscommunication within her office. She has now provided the record. Although the denial may have been unintentional, I still must find that the Clerk violated the Access to Public Records Act. I am glad to report that the record has now been provided.

#### CONCLUSION

For the foregoing reasons, I find that the Elkhart Superior Court Clerk violated the Access to Public Records Act when she denied the CCS to you but has now complied with the Access to Public Records Act.

Sincerely,

Karen Davis  
Public Access Counselor

cc: Stephanie Burgess