

May 10, 2007

Rodney Farrow
P.O. Box 644
Seymour, IN 47274

Re: Formal Complaint 07-FC-92; Alleged Violation of the Access to Public Records Act by the Indiana Professional Licensing Agency; State Board of Registration for Land Surveyors

Dear Mr. Farrow:

This is in response to your formal complaint alleging that the Indiana Professional Licensing Agency (“PLA”) and State Board of Registration for Land Surveyors (“Board”) violated the Access to Public Records Act by failing to respond to your request. I find that the Professional Licensing Agency, as administrative arm of the Board, failed to respond timely to your records request.

BACKGROUND

Your request, mailed March 14 and directed to the Professional Licensing Agency and to the attention of the Board of Registration for Land Surveyors, was denied, you allege, because you never received a response.

Chief Counsel to the PLA Barbara Marvel McNutt responded, admitting that through unintentional oversight, the PLA did not respond. Once the complaint was filed the PLA undertook a review of its records and responded to your request on April 18. Staff will be advised to make sure that they adhere to the timeframes required by law for response to requests for public records.

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). A

public agency is required to respond within seven days of receiving a mailed request for a record, or the request is deemed denied.

The PLA failed to respond within seven days to your records request. Accordingly, I find that the PLA violated the Access to Public Records Act through unintentional oversight. The PLA has now responded to your request for records.

CONCLUSION

For the foregoing reasons, I find that the Professional Licensing Agency violated the Access to Public Records Act.

Sincerely,

Karen Davis
Public Access Counselor

cc: Barbara Marvel McNutt