



STATE OF INDIANA
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July 12, 2013

Mr. Sam Shaw
627 H Street
Bedford, Indiana 47421

Re: Formal Complaint 13-FC-185; Alleged Violation of the Access to Public Records Act by the City of Mitchell

Dear Mr. Shaw:

This advisory opinion is in response to your formal complaint alleging the City of Mitchell ("City") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* Mayor Gary L. Pruett responded on behalf of the City. His response is enclosed for your reference.

BACKGROUND

In your formal complaint, you provide a copy of a request for records you allege to have submitted to the Mitchell Senior Citizens Club ("Club"). You seem to allege that your request for records has been improperly denied by the Club and also the City.

In response to your formal complaint, Mayor Pruett advised that he did receive your letter but did not understand it to demand action on the City's behalf. Mayor Pruett advised that the City maintains the Club's records, including the lease agreement and original grant applications that have already been provided to you.

ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." *See* I.C. § 5-14-3-1. The City is a public agency for the purposes of the APRA. *See* I.C. § 5-14-3-2. Accordingly, any person has the right to inspect and copy the City's public records during regular business hours unless the records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. *See* I.C. § 5-14-3-3(a).

The City maintains that it did not understand your correspondence to be a request for records pursuant to the APRA. In light of the difficulty in comprehending your

original request and formal complaint that has been filed, it is my opinion that the City has not violated the APRA. Pursuant to Mayor Pruett's response, the City is willing to provide all Club records to you that are maintained by the City. As such, I would encourage you to submit a reasonably particular request to the City, so records responsive to your request that are maintained by the City can be provided.

CONCLUSION

For the foregoing reasons, it is my opinion that the City did not violate the APRA.

Best regards,

A handwritten signature in black ink, appearing to read "J. Hoage". The signature is written in a cursive style with a large initial "J" and a distinct "H".

Joseph B. Hoage
Public Access Counselor

cc: Mayor Gary L. Pruett