



# STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR  
JOSEPH B. HOAGE

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317) 234-0906  
Fax: (317) 233-3091  
1-800-228-6013  
[www.IN.gov/pac](http://www.IN.gov/pac)

July 26, 2013

Mr. Michael A. Christianson  
DOC 135489  
3038 W. 850 S  
Bunker Hill, Indiana 46914

*Re: Formal Complaint 13-FC-214; Alleged Violation of the Access to Public Records Act by the Indiana Department of Revenue*

Dear Mr. Christianson:

This advisory opinion is in response to your formal complaint alleging the Indiana Department of Revenue ("Department") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* Commissioner Mike Alley responded in writing to your formal complaint. His response is enclosed for your reference.

## BACKGROUND

In your formal complaint, you provide that you submitted a written request for records to the Department on or about June 24, 2013. As of July 24, 2013, the date you filed your formal complaint with the Public Access Counselor's Office, you allege that the Department has yet to provide any response to your request. You specifically sought a copy of all required forms to be completed and submitted to gain non-profit tax exempt status as a non-profit corporation.

In response to your formal complaint, Commissioner Alley advised that your original request for information was dated June 24, 2013 and failed to provide the Department's correct address or identify any specific party within the Department to respond to your request. The incorrect address resulted in a delay of the Department receiving and responding to your request. All information that was requested is maintained on the Department's website. Regardless, all records responsive to your request are now enclosed for your review.

## 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 Department 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 Department'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).

A request for records may be oral or written. *See* I.C. § 5-14-3-3(a); § 5-14-3-9(c). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. *See* I.C. § 5-14-3-9(a). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. *See* I.C. § 5-14-3-9(b). A response from the public agency could be an acknowledgement that the request has been received and include information regarding how or when the agency intends to comply. Here you submitted your request to an incorrect address, which caused a delay in the Department receiving and responding to your request. All records responsive to your request have now been disclosed and are enclosed for your review. As such, it is my opinion that the Department did not violate the APRA.

#### CONCLUSION

For the foregoing reasons, it is my opinion that the Department 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 long, sweeping underline.

Joseph B. Hoage  
Public Access Counselor

cc: Commissioner Mike Alley