



STATE OF INDIANA

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September 19, 2014

Mr. Robert J. Kuchler
2403 Lake Shore Drive
Long Beach, IN 46360

Re: Formal Complaint 14-FC-183; Alleged Violation of the Access to Public Records Act by the LaPorte County Auditor

Dear Mr. Kuchler,

This advisory opinion is in response to your formal complaint alleging the LaPorte County Auditor ("Auditor") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The County has responded to your complaint via Auditor, Joie Winski. Her response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on August 20, 2014.

BACKGROUND

Your complaint, dated August 15, 2014, alleges the LaPorte County Auditor violated the Access to Public Records Act by delaying the production the records responsive to your request.

On or about July 30, 2014, you submitted a records request to the Auditor seeking records related to the valuation of your property. The Auditor forwarded your request to the County Assessor who acknowledged your request. The Auditor responded to your formal complaint arguing that any exception you take from the non-production of records should be addressed to the Assessor and not the Auditor.

ANALYSIS

The public policy of the APRA states that "a (p) roviding person 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 Ind. Code § 5-14-3-1. The LaPorte County Auditor's Office is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the

right to inspect and copy the Auditor's public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

A request for records may be oral or written. See Ind. Code § 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 Ind. Code § 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 Ind. Code § 5-14-3-9(b). A response from the public agency could be an acknowledgement the request has been received and information regarding how or when the agency intends to comply.

It appears the Auditor satisfied her obligation under the APRA by forwarding the request to the appropriate public agency (Assessor) instead of denying your request outright. This is a step most agencies do not bother taking. The Assessor acknowledged your complaint on July 1, 2014, putting you on notice that it would be the Assessor compiling the records you sought. It appears from the information you provided that any grievance you have stemming from your request should be directed to the Assessor. If the Assessor continues to delay production of your requested records, please bring it to my attention so that I may facilitate the resolution of this matter.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor that the LaPorte County Auditor did not violate the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', written in a cursive style.

Luke H. Britt
Public Access Counselor

Cc: Joie Winski, Auditor