



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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November 26, 2014

Mr. Larriante' J. El Sumbry
823 W. Chicago Ave.
East Chicago, Indiana 46312

Re: Formal Complaint 14-FC-259; Alleged Violation of the Open Door Law and Access to Public Records Act by the Lake County Recorder

Dear Mr. El Sumbry,

This advisory opinion is in response to your formal complaint alleging the Lake County Recorder, Mr. Michael B. Brown, Recorder, ("Recorder") violated the Indiana Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 *et seq.* and the Indiana Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* Recorder Michael B. Brown responded to your complaint. His response is attached 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 October 25, 2014.

BACKGROUND

Your formal complaint dated October 25, 2014, alleges the Recorder violated APRA by failing to respond to your request within seven (7) days as required under Ind. Code § 5-14-3-1. Your formal complaint makes no specific allegation the Recorder violated the ODL, therefore, that specific issue will not be addressed.

On October 7, 2014, you submitted a written request to the Recorder requesting to inspect and/or copy the following records: "CUSIP #, Fund # that derive from your certificate of birth for research purposes."

On November 11, 2014, the Recorder responded to your formal complaint. The Recorder claims there has been no violation of APRA because (1) the records you are seeking do not exist and (2) you provided no means for his office to contact you to properly acknowledge your request.

To support these claims the Recorder indicated he believes you are a member of a "sovereign citizen's group," a group which believes the United States Government establishes a fund for individual citizens at birth known and assigns a Committee on Uniform Security Identification Procedures ("CUSIP") number, which the government

then borrows against to pay debts. The Recorder claims this fund is not established by any federal code, but nevertheless, the “sovereign citizens’ movement” believes such a fund exists.

Additionally, the Recorder claims your request was not acknowledged within seven (7) days because you did not provide an address to send such notification. The Recorder indicated “Sovereign Citizens” do not believe the United States Government has the authority to establish postal districts and thus do not use common street addresses. To support this claim the Recorder provided a copy of your correspondence with the return address:

“Executor Office
Nation Indiana
General Post Office
East Chicago Sumbry Province
United States Minor, Outlying Islands
Near [46312-9998]”

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 Lake County Recorder is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Any person has the right to inspect and copy the Recorder’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).

It matters not what ideology or philosophy you subscribe to for the purposes of an Access to Public Records request. It stands to reason, however, no matter the existence or non-existence of a request, a requestor must provide a forwarding address to receive a mailed written acknowledgement. Although you provided an address accompanying your formal complaint, you did not do so for the Recorder.

CONCLUSION

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

Regards,

A handwritten signature in black ink, appearing to read 'LHB', with a long, sweeping underline that extends to the left.

Luke H. Britt
Public Access Counselor

Cc: Mr. Michael B. Brown