



STATE OF INDIANA

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April 2, 2014

Mr. Muata Rameses
2024 N. Alton Ave.
Indianapolis, IN 46222

Re: Formal Complaint 14-FC-39; Alleged Violation of the Access to Public Records Act by the Indiana Public Retirement System

Dear Mr. Rameses,

This advisory opinion is in response to your formal complaint alleging the Mayor's Action Center ("MAC") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.*¹ The MAC has provided a response to your complaint via Ms. Samantha DeWester, Esq., City Prosecutor and Public Access Counselor. Her 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 March 3, 2014.

BACKGROUND

Your complaint dated March 3, 2014 alleges the Mayor's Action Center violated the Access to Public Records Act by not providing records responsive to your request in violation of Ind. Code § 5-14-3-3(b).

On February 13, 2014, you served the MAC a public records request seeking the exact amount of resources or monetary funds awarded to a named individual (*withheld for privacy*) from the Community Development Block Grant. As of the date of the complaint you had not received an acknowledgement from the City of Indianapolis or the MAC.

In its response, the MAC contends your request was not received by the City of Indianapolis and therefore could not be acknowledged. If it were, however, the City argues your request is not reasonably particular and would have likely denied the request.

¹ You also allege an Open Door Law violation on your formal complaint. As the facts of this matter do not suggest an Open Door Law violation, the statute will not be discussed in this Opinion.

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 Ind. Code § 5-14-3-1. The Mayor’s Action Center 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 MAC’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.

The City alleges it did not receive your complaint. It states a search was conducted of the MAC, the Office of Corporation Counsel, the Office of the Mayor and the Department of Metropolitan Development and was unable to locate your request. Additionally, the City contends your request is too vague.

Your request may not be specific enough to meet the reasonable particularity requirements of Ind. Code § 5-14-3-3(a)(1) as it does not reference a timeframe for the distribution of funds. As I have indicated in the past, I am aware of your exhaustive search for records relating to this named individual and have counseled you to continue your search with various different public agencies. I recommend you reach out to Ms. DeWester in writing to explain your situation in detail, in order that she may be able to provide you guidance in your search. Nonetheless, the City or the MAC may not have any records responsive to your request. Once again, I wish you the best of luck in your search for records.

CONCLUSION

For the foregoing reasons, it is the Opinion of the Indiana Public Access Counselor the Mayor’s Action Center has not violated 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: Ms. Samantha DeWester, Esq.