

**ANNUAL REPORT OF THE PUBLIC ACCESS COUNSELOR
To the Indiana General Assembly
July 1, 2000 through June 30, 2001**

Pursuant to Indiana Code section 5-14-4-12, this is the annual report of the activities of the Office of the Public Access Counselor for the time period covering July 1, 2000 through June 30, 2001. This report is presented in three parts: the information required under Indiana Code section 5-14-4-12; a narrative summary of the activities of the Office; and appendices with more detailed information on the presentations given and the advisory opinions issued over the past year.

**PART I
Annual Report**

(1) Total number of inquiries and complaints received:

7/1/00-6/30/01--1951

7/1/99-6/30/00--1473

(2) Number of inquiries and complaints received each from the public, media and government agencies:

	7/1/00-6/30/01	7/1/99-6/30/00
Public	783	596
Media	319	188
Government	849	689

(3) Number of inquiries and complaints that were resolved: **1930**

(4) Number of complaints received about each of the following:

(A) State agencies **55**

(B) County agencies **104**

(C) City agencies **73**

(D) Town agencies **28**

(E) Township agencies **5**

(F) School corporations **31**

(G) Other agencies

-Libraries **1**

-Regional Utility **4**
-Nonprofit **1**
-Universities **7**

(5) Number of complaints received concerning each of the following:

(A) Public records. **241**
(B) Public meetings. **111**

(6) The total number of written advisory opinions issued and pending:

Opinions Issued: **64**
Opinions Pending: **0**
Requests Withdrawn: **2**

PART II

Executive Summary

Staff Attorney

In August, 2000, Staff Attorney Rebecca Browning left the office to work in the private sector. The staff attorney position is now held by Ms. Sandra K. Barger. Ms. Barger provides day-to-day advice to users of the Office, makes presentations to various groups on the state's public access laws and is responsible for working on Office publications.

Advisory Opinions

Since July 1, 2000, the Office has issued 66 written advisory opinions and none are pending as of this report. Indiana Code sections 5-14-5-9 and 10, advisory opinions must be issued within thirty (30) days of receipt by the Office. A more detailed listing of these opinions and a brief description of the opinions follow in Appendix B, below.

Education and Presentations

Fifty-seven (57) educational presentations were held for various groups over the past year. A full listing of these presentations follows in Appendix A, below.

Access Handbook and other Educational Materials

The Public Access Handbook is a collaborative effort between the Office and the Indiana Attorney General and was most recently revised effective June 2000. We are currently working to incorporate the few legislative amendments affecting the Access to Public Records Act. The June 2000 version is posted on the Office's website, www.state.in.us/pac and as soon as the revised issue is completed, it will be posted. Last year, we distributed approximately 4,000 booklets directly to persons elected at the municipal level in November 1999 and have mailed approximately 2,800 booklets in response to direct requests to the Office. Copies of the booklets are also distributed during the educational presentations mentioned in the previous section of this Part. We are also continuing to work on additional publications, including a handbook on public access for law enforcement agencies and other helpful resources to include on the website.

PART III
Appendices

APPENDIX A - PRESENTATIONS/TRAINING/EDUCATION, July 1, 2000 through June 30, 2001

2000

July 10, 2000	Indiana Department of Administration, Procurement Division (Indianapolis)
July 12, 2000	Indiana Community Corrections Directors (Anderson)
July 19, 2000	Indiana Township Assessors Association (Merrillville)
August 1, 2000	Town of Vevay [Hosted by Vevay Newspapers] (Vevay)
August 3, 2000	Access Indiana Webmasters (Indianapolis)
August 9, 2000	SBA County Treasurers Meeting (Ft. Wayne)
August 25, 2000	Indiana School for the Blind Board (Indianapolis)
September 19, 2000	Indiana Association of Cities and Towns Annual Conference [2 presentations] (Evansville)
September 26, 2000	Vital Records Conference (Fort Wayne)
September 27, 2000	The Times of Northwest Indiana, Newsroom Seminar (Munster)
September 28-29, 2000	Illinois State Press Association (Springfield, IL)
October 3, 2000	Indiana School Boards Association Fall Conference (Indianapolis)
October 3, 2000	Vital Records Conference (Indianapolis)
October 4, 2000	Association of Indiana Counties Annual Conference (French Lick)
October 7, 2000	Brown County School Board & Elected Officials (Nashville)
October 10, 2000	Indiana Association of Solid Waste Management Districts (Indianapolis)
October 12, 2000	Gary Housing Authority (Gary)
October 17, 2000	Vital Records Conference (Madison)
October 19, 2000	Commonwealth Title Agency Meeting (Indianapolis)
October 20, 2000	Indiana Library Federation District 4 Conference (Indianapolis)
October 26, 2000	Huntertown Parents Association (Huntertown)
October 27, 2000	Indiana Daily Student Staff Training (Bloomington)
October 28, 2000	National Freedom of Information Coalition Board Meeting (Columbus, OH)
November 4, 2000	Indiana Conference of American Association of University Professors (Indianapolis)
November 16, 2000	Indiana Community Corrections Association (Lebanon)
November 30, 2000	Association of County Commissioners Annual Conference (Indianapolis)

December 2, 2000	Hoosier State Press Association Newsroom Seminar (Indianapolis)
December 3-6, 2000	Council of Governmental Ethics Laws (COGEL) Annual Conference [2 presentations] (Tampa, FL)
December 12, 2000	Indianapolis Corporation Counsel Office Continuing Legal Education Seminar (Indianapolis)
December 13, 2000	Statewide Latino Affairs Committee (Indianapolis)
December 18, 2000	Town of Holton [Hosted by Town Officials] (Holton)
 2001	
January 10, 2001	State Police Department PIOs (Indianapolis)
January 25, 2001	Sullivan Daily Times Seminar [for Elected Officials and the Public] (Sullivan)
January 27, 2001	Association of Indiana Counties Newly Elected Officials Training (Indianapolis)
January 30, 2001	Muncie Police Department Staff Training (Muncie)
January 31- February 1, 2001	County and Township Assessors' Conference [4 training sessions] (Indianapolis)
February 6, 2001	Indiana Continuing Legal Education Forum Seminar (Indianapolis)
February 16, 2001	POLIS Center Geographic Information Systems Presentation (Indianapolis)
February 16, 2001	Indiana Association of Chiefs of Police (Indianapolis)
February 24, 2001	Great Midwest Investigation and Security Conference (Indianapolis)
March 7, 2001	Town Council of Dyer (Dyer)
March 20, 2001	Allen County Elected Officials Training (Fort Wayne)
March 21, 2001	Indiana Chapter of the National Institute of Government Purchasing Spring Meeting (Indianapolis)
April 3, 2001	State County Extension Office Educators Training (Indianapolis)
April 9, 2001	Adult Education Class (Indianapolis)
April 16, 2001	Presentation to Gary Common Council & Members of the Public (Gary)
April 18, 2001	SBA County Records Meeting (French Lick)
April 25, 2001	SBA Municipal Clerk, Clerk-Treasurer, and Controller Meeting (South Bend)
April 26, 2001	Indiana Association of Mayors' Assistants (Indianapolis)
April 27, 2001	Indiana State University Faculty & Administrators (Terre Haute)
April 30, 2001	Indiana Council on Independent Living (Indianapolis)
May 16, 2001	Indiana Association of School Business Officials (Fort Wayne)

May 25-27, 2001	National Freedom of Information Coalition Annual Meeting (Panel Discussion), Newport Beach, CA
May 30, 2001	Sullivan County Law Enforcement Training Group (Sullivan)
June 20, 2001	Digiterra Conference (Indianapolis)
June 21, 2001	Indiana Township Association, Metro Conference (Clarksville)
June 25, 2001	Westfield Police Department, Training (Westfield)

APPENDIX B - ADVISORY OPINIONS ISSUED JULY 1, 2000 THROUGH JUNE 30, 2001

Opinion Issue(s)

No.

1999

99-FC-1 This Opinion was pending as of the 2000 Annual Report due to an order of the U.S. District Court, Southern District. In May, 2001, the requestor withdrew the request for an Opinion and the file was closed.

2000

- 00-FC-16 Denial of Access to Attorney Billing Statements by the Town of Zionsville.
- 00-FC-17 Denial of Access to Public Records by the Akron Advisory Plan Commission.
- 00-FC-18 Alleged Denial of Access to Public Records by the Indiana Department of Correction.
- 00-FC-19 Denial of Access to Public Records by the Indiana Department of Correction.
- 00-FC-20 Denial of Access to Public Records by the City of Fort Wayne.
- 00-FC-21 Denial of Access to Information from Database of Pawnbrokers' Receipts by the Fort Wayne Police Department.
- 00-FC-22 Denial of Access to Public Records by the Lake County Sheriff's Department.
- 00-FC-23 Alleged Violations of the Indiana Open Door Law by the City of Vincennes with the respect to the Purchase of Real Property.
- 00-FC-24 Alleged Denial of Access to Public Records by the Rush County Board of Zoning Appeals.
- 00-FC-25 Denial of Access to Public Records by the Town of Trafalgar.
- 00-FC-26 Denial of Access by the Marion County Small Claims Court, Washington Township Division.
- 00-FC-27 Alleged Violation of the Indiana Open Door Law by the Marshall County Board of Commissioners.
- 00-FC-28 Denial of Access to Public Records by the Highland Police Department.
- 00-FC-29 Denial of Access to Public Records by the Fayette County Clerk's Office for Nonpayment of Copying Fees.
- 00-FC-30 Denial of Access to Public Records and Excessive Copy Fees by the Lake County Sheriff's Department.

- 00-FC-31 Adequacy of Notices of Executive Sessions by the Gary Housing Authority.
- 00-FC-32 Denial of Access to Public Records by the Indiana State Police Department.
- 00-FC-33 Alleged Violations of the Indiana Open Door Law by the Vincennes Board of Public Works, Vincennes City Council and Vincennes Redevelopment Commission.
- 00-FC-34 Notices of Executive Session of the Gary Housing Authority.
- 00-FC-35 Denial of Access to Public Records by the Highland Police Department.
- 00-FC-36 Alleged Denial of Access to Public Records by the Indiana Department of Revenue.
- 00-FC-37 Denial of Access to Public Records by the Indiana Department of Correction.
- 00-FC-38 Alleged Denial of Access to Public Records by the Town Council of Highland.
- 00-FC-39 Denial of Access to Public Records by the Fayette County Clerk's Office.
- 00-FC-40 Denial of Access to Public Records by the Lake County Sheriff's Department.
- 00-FC-41 Allegations of Violations of the Open Door Law by the Hamilton County Council and the Hamilton County Board of Commissioners.
- 00-FC-42 Complaint withdrawn.
- 00-FC-43 Denial of Access to Public Records by the School Town of Highland.
- 00-FC-44 Alleged Violation of the Indiana Open Door Law by the Hamilton County Board of Commissioners.

2001

- | Opinion No. | Issue(s) |
|--------------------|--|
| 01-FC-1 | Alleged Violation of the Access to Public Records Act by the Town of Bourbon. |
| 01-FC-2 | Alleged Violation of the Access to Public Records Act by the City of South Bend, Department of Public Works. |
| 01-FC-3 | Denial of Access to Personnel File Information by the Indiana Department of Correction. |
| 01-FC-4 | Denial of Access to Copy of Report and Excessive Copying Fees Charged by Sellersburg Police Department. |
| 01-FC-5 | Alleged Violation of the Indiana Open Door Law by the Vincennes City Council. |
| 01-FC-6 | Denial of Access to Photocopies by the Jasper County Health Department. |
| 01-FC-7 | Alleged Denial of Access to Public Records by the Lake Superior Court, Room 1. |
| 01-FC-8 | Allegations of Denial of Access to Public Records by the Porter County Surveyor's Office. |
| 01-FC-9 | Alleged Denial of Access to Public Records by the St. Joseph County Auditor's Office. |

- 01-FC-10 Alleged Denial of Access to Public Records by the Allen County Clerk's Office.
- 01-FC-11 Alleged Denial of Access to Public Records by the Allen County Sheriff's Department.
- 01-FC-12 Alleged Denial of Access to Public Records by the Indiana Department of Correction.
- 01-FC-13 Alleged Denial of Access to Public Records by Wayne County Government.
- 01-FC-14 Alleged Denial of Access to Public Records by the Indiana Department of Correction.
- 01-FC-15 Alleged Denial of Access to Public Records by the Gary Police Department.
- 01-FC-16 Alleged Violation of the Indiana Open Door Law by the Harrison County Board of Commissioners.
- 01-FC-17 Alleged Denial of Access to Public Records by the Metropolitan School District of Lawrence Township, Marion County.
- 01-FC-18 Alleged Denial of Access to Public Records by the City of Hammond Department of Planning and Development.
- 01-FC-19 Allegations of Open Door Law Violation, Access to Public Records Violations and Violation of IC 36-1-10-13. {Priority Complaint}
- 01-FC-20 Alleged Denial of Access to Public Records by the Jasper County Health Department.
- 01-FC-21 Alleged Denial of Access to Public Records by the Schererville Town Court.
- 01-FC-22 Alleged Denial of Access to Public Records by the City of East Chicago.
- 01-FC-23 Alleged Denial of Access to Public Records by the City of East Chicago.
- 01-FC-24 Alleged Denial of Access to Public Records by the City of East Chicago.
- 01-FC-25 Alleged Violations of the Open Door Law by the Board of the Seymour Community Schools.
- 01-FC-26 Alleged Denial of Access to Public Records by the City of New Albany.
- 01-FC-27 Alleged Denial of Access to Public Records by the School City of Hammond.
- 01-FC-28 Alleged Denial of Access to Public Records by the Westville Correctional Facility, Indiana Department of Correction.
- 01-FC-29 Alleged Violation of the Notice Requirement of the Open Door Law by the Carmel City Council.
- 01-FC-30 Alleged Denial of Access to Public Records by the Prairie Heights Community School Corporation.
- 01-FC-31 Alleged Violations of the Access to Public Records Act by the Family and Social Services Administration and the State Personnel Department.
- 01-FC-32 Alleged Denial of Access to Public Records by the Indiana Department of Correction.
- 01-FC-33 Alleged Denial of Access to Public Records by Everybody Counts (Merrillville)
- 01-FC-34 Alleged Denial of Access to Public Records by the City of Fort Wayne.

01-FC-35 Alleged Denial of Access to Public Records by the Indiana Department of Education.

01-FC-36 Alleged Denial of Access to Public Records by the Indiana Department of Correction.

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