



STATE OF INDIANA

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March 17, 2014

Mr. Matthew Ambrose
C/o Ryan, LLC
Capital Center North, Suite 810
251 North Illinois Street
Indianapolis, IN 46204

Re: Informal Inquiry 14-INF-07; Howard County Assessor

Dear Mr. Ambrose:

This is in response to your informal inquiry regarding the Howard County Assessor ("Assessor") and its response to your public records request. The Assessor has responded via Mr. Lawrence R. Murrell, Esq., Howard County Attorney. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-4-10(5), I issue the following informal opinion in response to your inquiry. My opinion is based on applicable provisions of the Access to Public Records Act ("APRA"), Ind. Code § 5-14-1.5-1 *et seq.* and Ind. Code § 6-1.1-35 *et. seq.*

BACKGROUND

On February 3, 2014 you served a public records request upon the Howard County Assessor for copies of a Property Tax Assessment Board of Appeals ("PTABOA") hearing held on May 4, 2012. On February 5, 2014, the Assessor acknowledged receipt of your request and informed you they were undergoing a search for records responsive to your request. As of the date of your inquiry, March 5, 2014, you had not received any additional correspondence from the Assessor.

In its response, the Assessor confirms the above and states the records responsive to your request were sent to you via mail on March 3, 2014.

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. Assessor's Offices in Indiana are public agencies for the purposes of the APRA. *See* Ind. Code § 5-14-3-2. Accordingly, any person has the right to inspect and copy the Assessor's non-confidential public records during regular business hours unless the records are excepted from disclosure as confidential or otherwise non-disclosable 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 as if the production of records predated the receipt of your Informal Inquiry by this Office. It is my sincere hope the records satisfy your request. As the production allegedly took place on March 3, 2014, the response time of the Assessor was approximately 20 business days. From the limited information provided, I cannot conclude definitively if this was a reasonable time frame as contemplated by Ind. Code § 5-14-3-3(b)(1). The Assessor indicates the records necessitated some amount of redaction, so it may not be unreasonable for them to have taken that long to produce. As a matter of course, I always encourage agencies to be in reasonably frequent contact with the requestor to update them on the status of their request if the production will take longer than expected. It is my expectation agencies use best practices in communicating with the public in these matters.

Please do not hesitate to contact me with any further questions.

Best regards,

A handwritten signature in black ink, appearing to read 'L. Britt', with a stylized flourish at the end.

Luke H. Britt
Public Access Counselor

cc: Mr. Lawrence R. Murrell, Esq.