



STATE OF INDIANA

MITCHELL E. DANIELS, JR., Governor

Karen Davis

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May 31, 2005

Marlan C. Bonds
#953219
Indiana State Prison
P.O. Box 41
Michigan City, IN 46361-0041

Re: *Formal Complaint 07-FC-117; Alleged Violation of the Access to Public Records Act by the Elkhart Mayor's Office*

Dear Mr. Bonds:

This is in response to your formal complaint alleging that the Elkhart Mayor's Office ("Mayor" or "City") violated the Access to Public Records Act ("APRA") by failing to respond to your request for records. I find that the Mayor did respond and does not have any responsive records.

BACKGROUND

You requested records concerning any contract or relationship between Elkhart "County" and the Oaklawn Community Mental Health Center. Similarly, you named the Elkhart County Mayor's office in your complaint. For purposes of this opinion, I assume that because you requested the records from the Mayor's office, the executive of the City of Elkhart, you are requesting any record showing the relationship of the City of Elkhart to Oaklawn Community Mental Health Center. You complain that you have received no response.

The City filed a response to your complaint, by city attorney Lawrence J. Meteiver. He stated on behalf of the City, he responded to your request by letter dated April 16, 2007. He told you that the City of Elkhart has no records reflecting any relationship between the City and any of the Oaklawn agencies. Therefore, there are no records to produce.

ANALYSIS

A person may inspect and copy the public records of any public agency, except as provided in section 4 of the Access to Public Records Act ("APRA"). Ind. Code 5-14-3-3(a). If a public agency receives a request for a record in person or by telephone, the public agency is required to respond within 24 hours or the record is deemed denied. IC 5-14-3-9(a). If the public agency receives a request for a record via U.S. Mail or facsimile, the public agency is required to respond within seven calendar days, or the request is deemed denied. IC 5-14-3-9(b).

The City sent a response to your mailed request after all. The enclosed copy bears this out. Further, the City's response appears to be timely. The City stated that it has no responsive records. You have not alleged a violation of the Access to Public Records Act by your complaint.

CONCLUSION

For the foregoing reasons, I find that the Elkhart Mayor's office did not violate the Access to Public Records Act.

Sincerely,

Karen Davis
Public Access Counselor

cc: Lawrence J. Meteiver