



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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September 21, 2016

Mr. Brent Snow
6159 West 100 South
Tipton, Indiana 46072

Re: Formal Complaint 16-FC-203; Alleged Violation of the Access to Public Records Act by the Jefferson Township Trustee (Tipton County)

Dear Mr. Snow:

This advisory opinion is in response to your formal complaint alleging the Jefferson Township Trustee - Tipton County ("Township") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. The Township has not responded despite an invitation to do so on August 19, 2016. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on August 18, 2016.

BACKGROUND

Your complaint dated August 12, 2016, alleges the Jefferson Township Trustee violated the Access to Public Records Act by not fulfilling your records request. On or about July 28, 2016, you hand-delivered a public records request to the Trustee during a public meeting. This was acknowledged the next day. As of the date of the filing of your complaint, you have not received anything from the Trustee.

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 Indiana Code § 5-14-3-1*. The Jefferson Township Trustee's Office is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2*. Accordingly, any person has the right to inspect and copy the Township's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*.

Without the benefit of a response from the Township, I do not have sufficient information to conclude whether the Township took any steps to comply with the APRA. As such, it is my determination they

did not. Pursuant to Indiana Code § 5-14-5-5, a public agency must cooperate with the investigation of this office. The Township has declined to do so.

CONCLUSION

Based on the forging, it is the opinion of the Public Access Counselor the Jefferson Township Trustee – Tipton County has violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a large, sweeping flourish underneath.

Luke H. Britt
Public Access Counselor