



STATE OF INDIANA

MICHAEL R. PENCE, Governor

**PUBLIC ACCESS COUNSELOR
LUKE H. BRITT**

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)234-0906
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

November 10, 2016

Mr. Joe C. Lawless
1796 North County Road 250 West
Greencastle, IN 46135

Re: Formal Complaint 16-FC-248; Alleged Violation of the Access to Public Records Act by the Putnam County Convention and Visitors Bureau

Dear Mr. Lawless:

Please be advised I am in receipt of your complaint against the Putnam County Convention and Visitors Bureau ("PCCVB"). We have spoken at length about the PCCVB and I am certainly aware of your frustration with obtaining access to certain files and materials. In fact, I have highlighted some of those shortcomings in several of my opinions, most recently in *Opinion of the Public Access Counselor 16-FC-232* which was published just this month.

At this point, given the history between your family and the PCCVB, I find it more prudent to step back from adjudicator of an adversarial proceeding and focus more on the Counselor role of my duties. I do not find it productive or effective to keep admonishing the agency over and over. I believe they are aware of my expectations and I have spoken to Ms. Mark about those expectations.

I disagree with PCCVB that you are simply trying to make life difficult for them by submitting multiple and frequent public records requests. At least I hope they are wrong. I simply think you are attempting to obtain some bit of justice for the way you claim your wife was terminated from her employment. But there are better ways to seek justice with that matter. This Office, while useful for education and communicating best practices, is not the forum to deal with employment grievances. You have potential remedies available through other avenues like the judiciary and EEOC.

Simply put, I cannot "teach them a lesson" or force them to course-correct. I know PCCVB representatives were present for my September presentation in Greencastle and I am hopeful they will follow the guidelines I set forth during my talk.

I am not downplaying your complaint regarding timeliness. In fact, I disagree with agencies who set a self-imposed response deadline. And I do think that five (5) weeks is a little long to respond in most cases, but it is not outrageous and there seems to be a somewhat justifiable reason for taking that long - particularly with the surveillance tapes.

I will continue to monitor the situation and I certainly want to be a resource for both sides. But I encourage you to use the formal complaint process judiciously. To be clear, my expectation for PCCVB and any public agency responding to public records requests is reasonable timeliness, due diligence and good faith. I am copying PCCVB on this letter and am confident they will be mindful of these considerations.

Please do not hesitate to contact me with any questions.

Regards,

A handwritten signature in black ink, appearing to be 'LH Britt', written in a cursive style.

Luke H. Britt
Public Access Counselor

Cc: Ms. Nancy Mark