



STATE OF INDIANA

MICHAEL R. PENCE, Governor

**PUBLIC ACCESS COUNSELOR
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September 23, 2015

Eric Welch
Wabash Valley Correctional Facility
PO Box 1111
Carlisle, IN 47838

Re: Formal Complaint 15-FC-230; Alleged Violation of the Access to Public Records Act by Grant County Public Defender Office

Dear Mr. Welch,

This advisory opinion is in response to your formal complaint alleging the Grant County Public Defender Office ("Public Defender") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-1.5-1 et. seq. As of the writing of this opinion, This office has not responded to your complaint, despite an invitation to do so on August 11, 2015. Pursuant to Ind. 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 10, 2015.

BACKGROUND

Your complaint dated alleges that the Grant County Public Defender Office violated the Access to Public Records Act by failing to acknowledge receipt of your records request.

On June 30, you sent the Public Defender a copy of records seeking information on the dismissal of a public defender. Your request was sent to C. Robert Rittman, Managing Attorney. As of filing this complaint, you had not received a response. Without the benefit of a response from the Public Defender, I cannot determine why your request was not acknowledged.

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. The Grant County Public Defender Board is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the



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right to inspect and copy the Board's public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

Your complaint was marked for the Mr. C. Robert Rittman. According to personnel at the Public Defender Board, Mr. Rittman ceased working with the Board sometime in June. This was prior to your request letter. Because of this, it is impossible to determine whether your request reached either Mr. Rittman or the current managing attorney of the Board. In any event, this Office has reached out to the Public Defender for a response to your complaint and an explanation or justification for a lack of a response.

Pursuant to Ind. Code § 5-14-5-5, a public agency must cooperate with the Public Access Counselor during the formal complaint process. By doing so, they have violated the public access law.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Grant County Public Defender has violated the Access to Public Records Act.

Regards,

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

Luke H. Britt
Public Access Counselor