



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

**PUBLIC ACCESS COUNSELOR  
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December 18, 2015

Mr. Jeffrey McCrory - #197273  
727 Moon Road  
Plainfield, Indiana 46064

*Re: Formal Complaint 15-FC-297; Alleged Violation of the Access to Public Records Act by the Clerk of the Madison County Circuit Court*

Dear Mr. McCrory,

This advisory opinion is in response to your formal complaint alleging the Clerk of the Madison County Circuit Court ("Clerk") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Clerk responded via Ms. Darlene Likens. Her response is enclosed for your review. 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 October 30, 2015.

## BACKGROUND

Your complaint dated October 7, 2015 alleges the Clerk of the Madison County Circuit Court violated the Access to Public Records Act by not providing you with records you requested.

On or about September 28, 2015, you requested a number of public records pertaining to a Delegation of Authority for a judge and several attorneys. As of the filing of your formal complaint you had not received a response.

The Clerk responded to your formal complaint contending she never received a copy of your request, however, she (the Clerk) is undertaking a search for the records you seek.

## 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 Clerk of the Madison County Circuit Court is a public agency for



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the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Court's disclosable 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).

As is often the case, the loss or misdelivery of inmate mail is a casualty of the prison mail system due to security issues. It may very well be the case the Clerk never received your September 28, 2015 request. If this is the case, the Clerk has now received your request through the formal complaint process and it is my sincere hope they will speedily and efficiently fulfill that request.

## CONCLUSION

Based on the foregoing, it is the determination of the Office of the Public Access Counselor the Clerk of the Madison County Circuit Court has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written over a horizontal line.

Luke H. Britt  
Public Access Counselor

Cc: Ms. Darlene Likens