

April 30, 2007

Romero Ziebell  
#118304  
Indiana State Prison  
P.O. Box 41  
Michigan City, IN 46361

*Re: Formal Complaint 07-FC-84; Alleged Violation of the Access to Public Records Act by the Evansville-Vanderburg County Area Plan Commission*

Dear Mr. Ziebell:

This is in response to your formal complaint alleging that the Evansville-Vanderburg County Area Plan Commission ("Plan Commission") violated the Access to Public Records Act by not responding to your request for information pertaining to renovation of a business in Evansville. I find that the Plan Commission violated the Access to Public Records Act, because although the records are maintained by a different agency, the Plan Commission never informed you of that.

#### BACKGROUND

You complain that the Plan Commission never responded to your request for information regarding renovation of a business in Evansville. The Plan Commission through zoning administrator Beverly Behme responded to your complaint by stating that the request was received by the Plan Commission. Your request should have been sent to the Building Commission, a separate agency, since the Building Commission has jurisdiction over renovation permits. The Plan Commission provided the contact information for the Building Commission, and indicated that your request was forwarded to the Building Commission.

#### ANALYSIS

Any 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 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). If a public agency has no responsive records, the public agency should so state in its response.

The Plan Commission is not the correct agency to direct your request to, but as a public agency, the Plan Commission was required to respond to your request for the record within seven days. Its failure to do so was a violation of the Access to Public Records Act.

The Plan Commission helpfully provided the contact information for the Building Commission and forwarded your request to the Building Commission. I recommend that you write the Building Commission and request the record from that agency.

#### CONCLUSION

For the foregoing reasons, I find that the Evansville-Vanderburgh County Area Plan Commission violated the Access to Public Records Act when it failed to send you any response to your records request.

Sincerely,

Karen Davis  
Public Access Counselor

cc: Beverly Behme