



STATE OF INDIANA

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February 26, 2015

Clifford W. Shepard
2510 English Ave.
Indianapolis, IN 46201

Re: Formal Complaint 15-FC-26; Alleged Violation of the Access to Public Records Act by the City of Gary, Department of Redevelopment

Dear Mr. Shepard,

This advisory opinion is in response to your formal complaint alleging the City of Gary, Department of Redevelopment ("City") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The City has not issued a response. 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 January 26, 2015.

BACKGROUND

Your complaint dated January 26, 2015 alleges the City of Gary, Department of Redevelopment violated the Access to Public Records Act by not providing records responsive to your request in violation of Ind. Code § 5-14-3-3(b).

On December 16, 2014, you submitted to the City a public records request seeking the information about an "Invitation to Receive Offers on Real Estate" published in the Indianapolis Star on October 29, 2014. You requested information about the cost of this advertisement from the City. In your complaint you contended the City did not respond to your request, which you believe was received.

ANALYSIS

The public policy of the APRA states that "a (p)roviding person 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 City of Gary, Department of Redevelopment is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Any person has the right to inspect and copy the City'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).

The information you seek would not fall under any exclusionary categories of access. You are entitled to this information upon request. If the City did in fact receive your request, they are obligated to respond. Pursuant to Ind. Code § 5-14-5-5, a public agency shall cooperate with the Public Access Counselor in his investigation. This has not happened, so I cannot determine why your request was not acknowledged.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the City of Gary, Department of Redevelopment has violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LHB', with a long horizontal flourish extending to the left.

Luke H. Britt
Public Access Counselor