



STATE OF INDIANA

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December 17, 2009

Mr. Ben Kindle
4972 W. Sims Lane
Monrovia, IN 46157

Re: Formal Complaint 09-FC-274; Alleged Violation of the Access to Public Records Act by the Gregg Township Board

Dear Mr. Kindle:

This advisory opinion is in response to your formal complaint alleging the Gregg Volunteer Board ("Board") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* For the following reasons, my opinion is that the Board did not violate the APRA.

BACKGROUND

In your complaint, you allege that you sent a request to the Board in which you requested access to "any and all documents that show an additional appropriation is needed for Gregg Township according to the public ad in the paper on October 3, 2009." My office forwarded a copy of your complaint to the Mary Ann Banks at the address you provided. As of the date of this opinion, we have not received a response.

I note that you sent your request to several board members at addresses that appear to be their homes.

ANALYSIS

The public policy of the APRA states, "[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." I.C. § 5-14-3-1. The Department does not dispute that it is a public agency for the purposes of the APRA. I.C. § 5-14-3-2. Accordingly, any person has the right to inspect and copy the Department's public records during regular business hours unless the public records are

exempt from disclosure as confidential or otherwise nondisclosable under the APRA. I.C. § 5-14-3-3(a).

It appears that you mailed your request to the homes of various Board members. Gregg Township has a business address that is publicly advertised and not difficult to ascertain: 8212 West Hall Road, Monrovia, IN, 46157. Previous public access counselors and I have opined that, where a requester sends a public records request to a public official's home instead of the official or business address of the agency, the requester has not submitted a valid request. *See Opinion of the Public Access Counselor 08-FC-73*. Thus, in my opinion, you did not submit a valid APRA request and the Board was not obligated to respond to it.

I also note that you and other individuals from Gregg Township have made numerous complaints with this office alleging wrongdoing on the part of the Board, the Gregg Township Fire Department, and the Gregg Township Trustee. It has come to my attention that many of these complaints stem from a political or personal dispute between the requesters and officials in Gregg Township's agencies. As my predecessor and I have already stressed to others who have previously complained about Gregg Township and its agencies, the public access complaint process is not a forum for complainants to air personal grievances. To the extent that any future complaints against Gregg Township are duplicative or frivolous, they will be rejected.

CONCLUSION

For the foregoing reasons, it is my opinion that the Township did not violate the APRA.

Best regards,



Andrew J. Kossack
Public Access Counselor

cc: Larry Hayes
Joshua Hause
Mary Ann Banks