



# STATE OF INDIANA

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July 28, 2014

Mr. Ralph J. Ranck  
5741 N. 300 E.  
Urbana, IN 46990

*Re: Formal Complaint 14-FC-155; Alleged Violation of the Access to Public Records Act by the Lagro Township Trustee*

Dear Mr. Ranck,

This advisory opinion is in response to your formal complaint alleging the Lagro Township Trustee ("Trustee") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Trustee has provided a response to your complaint via Counsel, Mr. Stephen R. Buschmann, Esq. His response is attached 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 July 21, 2014. Your complaint has been granted priority status.

## BACKGROUND

Your complaint dated July 21, 2014, alleges the Lagro Township Trustee 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 or about April 3, 2014, you made a request of the invoices or sales orders of various items. It appears these items were brought to your attention after the satisfaction of a previous public records request. It is unclear if you received acknowledgement of this request, however, several records were produced to you on May 13, 2014 (See exhibit 1-4 of Response).

Presumably the production was unsatisfactory for you or omitted some element of detail due to the fact on July 15, 2014; you pursued a second request for clarification. As a member of the Township Advisory Board, you are seeking this information to make budgetary decisions.

The Trustee's response states it has made ongoing efforts to provide you with information and has invited you to inspect and copy records at the Trustee's office to mitigate your concerns. Any prior delays have been attributed to the small staff and part-time nature of the Trustee's position.

### **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 Lagro Township Trustee is a public agency for 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 Trustee'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).

It does not appear you were denied the records; only that the Trustee took some time to provide them and only extended an opportunity for on-site inspection after the filing of your formal complaint. Ind. Code § 5-14-3-3(b) states a public agency must provide records responsive to a request within a reasonable time. I cannot determine from the materials provided if a "reasonable time" had elapsed between the request and the production. Often this is a subjective determination based upon the complexity and size of the complaint. The size of the public agency and its resources are also taken into consideration. In any case, it appears the Trustee is attempting to satisfy your request by making a staff member available to you. It is my sincere hope you avail yourself of this opportunity and that the Trustee will follow through on the offer to make the records available to you as noted in the response.

### **CONCLUSION**

For the foregoing reasons, it is the Opinion of the Indiana Public Access Counselor the Lagro Township Trustee has not violated the Access to Public Records Act.

Regards,



Luke H. Britt  
Public Access Counselor

Cc: Mr. Stephen Buschmann, Esq.