



STATE OF INDIANA

MICHAEL R. PENCE, Governor

**PUBLIC ACCESS COUNSELOR
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December 8, 2014

Mr. Raymond Tackett
420 N. Market St.
Andrews, IN 46702

Re: Formal Complaint 14-FC-267; Alleged Violation(s) of the Access to Public Records Act by the Town of Andrews Town Clerk and the Town of Andrews Town Marshal

Dear Mr. Tackett,

This advisory opinion is in response to your formal complaint alleging The Town of Andrews Town Clerk, Mr. William Johnson, Clerk, ("Clerk") and the Town of Andrews Town Marshal, Mr. Curtis Vanover, Marshal, ("Marshal") violated the Indiana Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* 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 November 5, 2014.

BACKGROUND

Your formal complaint dated October 29, 2014, alleges the Town of Andrews violated APRA by denying you any and all documents associated with the purchase of "E Trak" GPS system by the Marshal. Your initial request was dated September 30, 2014.

On November 10, 2014, the Clerk responded to your formal complaint, via email, claiming his office provided you with all the related invoices for the purchase of the GPS unit and related monthly charges. Additionally, the Clerk stated no contracts or other documentation exists outside of the invoices.

On November 19, 2014, the Marshal responded to your formal complaint, via email, claiming everything in his possession regarding the purchase was submitted to the Clerk. The Marshal claims the GPS unit was purchased through the internet and the only documents involved were invoices for payment.

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 Town of Andrews 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 Town’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 appears as if the Town’s officials have provided you with everything in their possession related to the purchase. If no other transactional materials were provided by the vendor to the Marshal and the Clerk, a public record would not have been created.

CONCLUSION

For the foregoing reasons, it is the Opinion of the Public Access Counselor the Town of Andrews Clerk and Marshal did not violate the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'L. Britt', with a long, sweeping underline.

Luke H. Britt
Public Access Counselor

Cc: William K. Johnson; Curtis VanOver