



# STATE OF INDIANA

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June 21, 2016

Mr. David Paul Allen  
5930 Hohman Avenue, Suite 204  
Hammond, Indiana 46320

*Re: Formal Complaint 16-FC-113; Alleged Violation of the Access to Public Records Act by the Lake County Treasurer*

Dear Mr. Allen:

This advisory opinion is in response to your formal complaint alleging the Lake County Treasurer ("Treasurer") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. The Treasurer has responded via counsel, Mr. John Stanish, Esq. His response is enclosed for your review. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on May 20, 2016.

## BACKGROUND

Your complaint dated May 1, 2016, alleges the Lake County Treasurer violated the Access to Public Records Act by failing to respond to your records request.

On April 29, 2016, you mailed a request to the Treasurer seeking records related to your client's real estate tax obligations. As of the filing of your complaint you had not received a response.

On May 31, 2016, the Treasurer responded stating your request was never received. The Treasurer treated your complaint as an APRA request. The Treasurer then mailed you a copy of all the records you requested.

## 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 Indiana Code § 5-14-3-1*. The Lake County Treasurer 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 Treasurer's disclosable public records

during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*.

A request for records may be oral or written. *See Indiana Code § 5-14-3-3(a); § 5-14-3-9(c)*. If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. *See Indiana Code § 5-14-3-9(b)*. A response from the public agency could be an acknowledgement the request has been received and information regarding how or when the agency intends to comply.

The Treasurer has stated it did not receive your records request. Based on the information provided there is no way of knowing whether the request was received by the Treasurer. Regardless, the Treasurer has treated your complaint as the public access request and appears to have disclosed records to you. It is my sincere hope that these records satisfy your request.

Regards,

A handwritten signature in black ink, appearing to read 'LHB', with a long, sweeping underline that extends to the left and then curves back under the signature.

Luke H. Britt  
Public Access Counselor

Cc: Mr. John Stanish, Esq.