



STATE OF INDIANA

MICHAEL R. PENCE, Governor

**PUBLIC ACCESS COUNSELOR
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September 22, 2016

Alvin Best - #850121
Putnamville Correctional Facility
1946 West U.S. Highway 40
Greencastle, Indiana 46135

Re: Formal Complaint 16-FC-207; Alleged Violation of the Access to Public Records Act by the Marion County Assessor

Dear Mr. Best:

This advisory opinion is in response to your formal complaint alleging the Marion County Assessor ("Assessor") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. The Assessor has responded via Mr. Joseph O'Connor. 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 August 18, 2016.

BACKGROUND

Your complaint dated August 17, 2016 alleges the Marion County Assessor failed to acknowledge your public records request. On or about August 3, 2016, you submitted a public records request to the Marion County Assessor to obtain a deed from a named individual. As of the filing of your formal complaint, you had not received any documentation in return. The Assessor responded to your complaint by explaining that the document you seek is in the custody of the County Recorder. Your request was forwarded to that office for processing.

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 Marion County Assessor is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)(1)*. Accordingly, any person has the right to inspect and copy the Assessor'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)*.

Typically property deeds are under the purview of the County Recorder. As such, the Assessor properly forwarded your request to that office. Although your request was not formally denied by the Assessor, my recommendation in the future is to send a receipt of the request to the individual submitting it. That way the requestor is advised as to how their public records request is being processed. It is my hope the Recorder's office will work with you to obtain the records you seek.

Regards,

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

Luke H. Britt
Public Access Counselor

Cc: Mr. Joseph O'Connor