STATE OF INDIANA



ERIC J. HOLCOMB, Governor

PUBLIC ACCESS COUNSELOR LUKE H. BRITT

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OPINION OF THE PUBLIC ACCESS COUNSELOR

Akhenaton El-Shabazz)
Complainant))
v.)) 16-FC-298
Clerk St. Joseph Circuit Court)))
Respondents))

ADVISORY OPINION January 13, 2017

The complaint dated November 30, 2016, alleges the Clerk of the St. Joseph Circuit Court has violated the APRA by not acknowledging your record request by providing you with documents requested.

Please be advised that I am in receipt of your formal complaint dated December 5, 2016, regarding Ms. Terri J Rethlake, Clerk of St. Joseph Circuit Court. I have reviewed the complaint and cannot determine which, if any, issues rise to the level of a potential violation of the law.

You sent a records request to the Court dated November 16, 2016, you then filed a formal complaint received by our office on December 5, 2016. Indiana Code § 5-14-3-3(b), states a request for public records must be fulfilled by a public agency within a reasonable time. The APRA does not specify a time for production or inspection of responsive records. You sent your request dated November 15, 2016, which may not have reached the office until Monday November 21, 2016, indicating you filed your complaint ten (10) business days after the request. This is likely not a reasonable amount of time for the Clerk of the Court to produce your records.



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Furthermore, Terri J. Rethlake, Clerk, has responded to your complaint and you were mailed the requested information on November 21, 2016. The felony clerk has sent you a copy of the charging information and responded that they do not have a copy of the Abstract of Judgment on file.

Luke H. Britt Public Access Counselor

Distribution:

Ms. Terri J. Rethlake