

STATE OF INDIANA

ERIC J. HOLCOMB, Governor

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OPINION OF THE PUBLIC ACCESS COUNSELOR

RANDY WILLIAMS,)
Complainant)
v.) 17-FC-20
WABASH COUNTY CORONER'S OFFICE)
Respondent)

ADVISORY OPINION March 10, 2017

This advisory opinion is in response to the formal complaint alleging Wabash County Coroner's Office ("Coroner") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-1.5-1 et. seq. The Coroner has responded via Ms. Suzie Lewis, Wabash Country Coroner on February 20, 2017. The response is enclosed for review. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on January 30, 2017.

BACKGROUND

The formal complaint dated January 30, 2017, alleges the Wabash Valley Coroner's violated the APRA by denying access to requested records. The Complainant has requested a Coroner summary report for over a year with the most recent request dates being December 11, 2016, January 18, 2017 and January 25, 2017. To date, no records have been provided.

Ms. Suzie Lewis, the current Coroner, states she has been in office for a short period of time and her predecessor has not turned over the records during her tenure. The Respondents contacted the former Coroner who indicated she would resolve the matter. As of February 20, 2017, the Respondent is unaware if the Complainant has been provided with the requested information.



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

It appears as if the prior office-holder violated the APRA by neglecting to provide the Complainant his requested records in a reasonable time. While the current office-holder is not instantly accountable, the Wabash Valley Coroner's office is in violation of the statute based on the prior public official's actions. It is my sincere hope the records have been produced by the prior Coroner in full satisfaction of the Complainant's request.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Wabash County Coroner's Office has violated the APRA.

Luke H. Britt

Public Access Counselor

Cc: Ms. Suzie Lewis, Coroner