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**OPINION OF THE PUBLIC ACCESS COUNSELOR**

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TONYA KELLER-MARTINEZ,  
*Complainant,*

v.

PULASKI COUNTY,  
*Respondent.*

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Formal Complaint No.  
20-FC-15

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Luke H. Britt  
Public Access Counselor

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BRITT, opinion of the Counselor:

This advisory opinion is in response to formal complaints alleging the Pulaski County violated the Access to Public Records Act.<sup>1</sup> Attorney Kevin Tankersly filed a response on behalf of the county. In accordance with Indiana Code section 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on February 3, 2020.

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<sup>1</sup> Ind. Code § 5-14-3-1-10.

## **BACKGROUND**

This case involves a dispute over access to recordings, meeting minutes, and agendas from the Pulaski County Auditor's Office.

On December 30, 2019, Tonya Keller-Martinez (Complainant) submitted a written public records request to the Pulaski County Auditor's Office seeking "any and all written and audio recording (sic) of their meeting held on June 3<sup>rd</sup>, 2019."

It also appears she sought a copy of a request made by a school to be placed on an agenda at a Board of Commissioner's meeting, however, that is unclear based on the information provided. To be sure, it is difficult to ascertain alleged public violations from the complaint filed. The remainder of the complaint is sufficiently disjointed as to interpret.

For its part, Pulaski County claims the Auditor was directed to send out the information requested to the extent it was available, however, it did not have the authority to amend minutes. Pulaski County also directed the Complainant to the County website where a comprehensive catalog of meeting minutes and recording is housed.

## **ANALYSIS**

### **1. The Access to Public Records Act (APRA)**

It is the public policy of the State of Indiana that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. Ind. Code § 5-

14-3-1. Further, 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.” *Id.* There is no dispute that APRA applies to Pulaski County. *See* Ind. Code § 5-14-3-2(p).

The request made by the Complainant appears to have been fulfilled. To the extent she is requesting the Board of Commissioners to amend meeting minutes, they certainly have the discretion to do so but are not obligated to do it by any means.

What is unclear in this case is the existence of a document where a local school requested to be placed on the Commissioner’s meeting agenda. Without the benefit of any further information, I cannot determine whether the document exists nor if it was properly requested and subsequently denied. The remainder of the complaint will not be addressed for lack of coherence.

## **CONCLUSION**

Based on the foregoing, it is the opinion of this office that Pulaski County did not violate the Access to Public Records Act.

A handwritten signature in black ink, appearing to be 'LHB', written in a cursive style.

Luke H. Britt  
Public Access Counselor