

**ANNUAL REPORT OF THE PUBLIC ACCESS COUNSELOR  
To the Indiana General Assembly**

July 1, 1999 through June 30, 2000

Pursuant to Indiana Code section 5-14-4-12, this is the annual report of the activities of the Office of the Public Access Counselor for the time period covering July 1, 1999 through June 30, 2000. This report is presented in three parts: the information required under Indiana Code section 5-14-4-12; a narrative summary of the activities of the Office; and appendices with more detailed information on the presentations given and the advisory opinions issued over the past year.

**PART I  
Annual Report**

(1) Total number of inquiries and complaints received: **1473**

(2) Number of inquiries and complaints received each from the public, media and government agencies:

Public	<b>596</b>
Media	<b>188</b>
Government	<b>689</b>

(3) Number of inquiries and complaints that were resolved: **1462**

(4) Number of complaints received about each of the following:

(A) State agencies	<b>61</b>
(B) County agencies	<b>91</b>
(C) City agencies	<b>77</b>
(D) Town agencies	<b>33</b>
(E) Township agencies	<b>3</b>
(F) School corporations	<b>33</b>
(G) Other local agencies	
-Conservancy districts	<b>3</b>
-Libraries	<b>2</b>
-Regional Utility	<b>1</b>

(5) Number of complaints received concerning each of the following:

**(A) Public records. 249**  
**(B) Public meetings. 86**

(6) The total number of written advisory opinions issued and pending:

**Opinions Issued: 41**  
**Opinions Pending: 3**

---

**PART II**  
**Executive Summary**

Staff Attorney

In late June, 1999, Rebecca K. Browning began work as the staff attorney for the Office. Ms. Browning currently works 40-45 hours per week assisting the Public Access Counselor by handling inquiries and complaints and making presentations on the state's public access laws around the state. In addition to these duties, Ms. Browning has worked on revisions to existing publications and the development of additional educational materials for the public and public officials.

Administrative rule

As required in Indiana Code section 5-14-5-10(b), an administrative rule was adopted and became effective June 25, 2000 to set the priorities for dealing with formal complaints. The rule can be found at 62 IAC 1.

Advisory Opinions

Since July 1, 1999, the Office has issued 41 written advisory opinions and three (3) remain pending. Written advisory opinions have been issued within the thirty (30) day period in all but one case. A more detailed listing of these opinions and a brief description of the opinions follow in Appendix B, below.

Education and Presentations

Sixty-three (63) educational and training presentations were held for various groups over the past year. A full listing of these presentations follows in Appendix A, below.

Access Handbook and other Educational Materials

The Public Access Handbook that is a collaborative effort between the Office and the Indiana Attorney General was revised effective June 2000. The most current version of the booklet is posted on the Office's website, [www.state.in.us/pac](http://www.state.in.us/pac). Copies of the booklet are currently being printed and will be distributed to public officials and available for distribution to members of the public as well. We are also working on additional publications, including a handbook on public access for law enforcement agencies, which is intended to be a resource for public officials and citizens throughout the state.

Office move



September 26, 1999 IUPUI Society of Professional Journalists  
(Indianapolis)

September 28, 1999 Department of Natural Resources Executive Staff Training (Spring  
Mill State Park)

September 28, 1999 Greencastle League of Women Voters  
(Greencastle)

October 2, 1999 Iowa Freedom of Information Council  
(Des Moines, IA)

October 5, 1999 Health Professions Bureau Staff Training  
(Indianapolis)

October 6, 1999 Porter County Elected Officials (Valparaiso)

October 13 and  
October 26, 1999 Indiana League of Municipal Clerks (Middlebury and Nashville)

October 29, 1999 Regional Community Corrections Group  
(Bloomington)

November 8 and  
November 9, 1999 Elkhart County Elected Officials and Public Forum (Goshen)

November 17, 1999 Indiana Judicial Center City and Town Court Judges Conference  
(Indianapolis)

November 18, 1999 SBA Township Trustees' Meeting (Indianapolis)

December 2, 1999 Association of County Commissioners (Indianapolis)

December 14, 1999 Indiana Association of Cities and Towns Newly Elected Officials  
Institute (Indianapolis)

2000

January 13, 2000 Town Officials of Fishers Training (Fishers)

January 19, 2000 City Officials of Shelbyville Training (Shelbyville)

January 20, 2000 Society of Competitive Intelligence Professionals (Indianapolis)

January 24, 2000 Indiana State Museum Staff Training (Indianapolis)

January 29, 2000	Indiana Association of Professional Investigators (Indianapolis)
February 1, 2000	Vanderburgh County Law Enforcement Officials Training (Evansville)
February 1, 2000	Wabash Valley Community Corrections District Training (Vincennes)
February 15, 2000	Society of Professional Journalists (Mishawaka)
February 16, 2000	City Officials of Elkhart Training (Elkhart)
February 21, 2000	Department of Natural Resources Division of Forestry Training (Indianapolis)
February 25, 2000	State Agency Heads Training (Indianapolis)
March 9, 2000	Gary Housing Authority (Gary)
March 15, 2000	Indiana Library Federation Annual Conference (Indianapolis)
March 16, 2000	Marion County Township Assessors' Training (Indianapolis)
March 16, 2000	Mayor's Roundtable (Evansville)
March 23, 2000	Municipal Clerks' Training (Muncie)
April 1, 2000	Indiana Collegiate Press Association (Bloomington)
April 3, 2000	Office of Utility Consumer Counselor's Staff Training (Indianapolis)
April 7, 2000	Indiana Department of Commerce (Indianapolis)
April 13, 2000	LaPorte County Officials' Training (LaPorte)
April 14, 2000	Tippecanoe County Officials' Training (Lafayette)
April 18, 2000	SBA County Recorders' Meeting & Panel Discussion (Indianapolis)
April 20, 2000	Franklin College Society of Professional Journalists (Franklin)
May 4, 2000	Indiana Port Commission (Portage)
May 11, 2000	Department of Natural Resources Division of Water Training

(Turkey Run State Park)

May 17, 2000	SBA County Auditors' Meeting (Columbus)
May 19, 2000	Indiana Corrections Association (Valparaiso)
May 24, 2000	Hendricks County Law Enforcement Officials Training (Brownsburg)
May 25, 2000	City Officials of Ft. Wayne Training (Ft. Wayne)
June 14, 2000	SBA Circuit Court Clerk's Training (Indianapolis)
June 21, 2000	Indiana Municipal Lawyers Association (Indianapolis)
June 21, 2000	Board for the Indiana School for the Deaf Training (Indianapolis)
June 22, 2000	Tobacco Use Prevention & Cessation Fund Executive Board Training (Indianapolis)
June 28, 2000	Indiana Departments of Transportation and Natural Resources Legal Divisions Staff Training (Indianapolis)
June 29, 2000	Associated Press Managing Editors/Hoosier State Press Association New Reporter Training (Indianapolis)

**APPENDIX B ADVISORY OPINIONS ISSUED  
JULY 1, 1999 THROUGH JUNE 30, 2000**

<b>Opinion No.</b>	<b>Issue(s)</b>
99-5	Access to personnel file information under IC 5-14-3-4(b)(8)(C).
99-6	Conduct of election of town board president under Open Door Law.
99-7	Various questions concerning the Access to Public Records Act and law enforcement agencies.
99-8	Hoosier Lottery retail sales information and the trade secret exception to disclosure under IC 5-14-3-4(a)(4).
99-FC-1	Pending.
99-FC-2	Excess copying fees charged by the Greenwood Police Department.
99-FC-3	Johnson County's copy fee ordinance and IC 5-14-3-8(d).
99-FC-4	The Indiana Hypnotist Committee and compliance with the Open Door Law and Access to Public Records Act.
99-FC-5	Access to Public Records and the Indiana Health Professions Bureau.
99-FC-6	Meeting notices concerning the Adoption of the Town of Ossian 2000

Budget.

- 99-FC-7 Denial of Access to Public Records by the Carmel-Clay School Corporation.
- 99-FC-8 Denial of Access to Public Records by the Metropolitan School District of Wayne Township, Ben Davis High School.
- 99-FC-9 Denial of Access to Public Records by the St. Joseph County Surveyor's Office.
- 99-FC-10 Workers Compensation Board Proof of Coverage Database and the trade secret exception to disclosure under IC 5-14-3-4(a)(4).
- 99-FC-11 Withdrawn complaint.
- 99-FC-12 Denial of Access to Public Records by the Akron Advisory Plan Commission.
- 99-FC-13 Denial of Access to Public Records by the City of Marion.
- 99-FC-14 Denial of Access to Public Records by Grant County Board of Commissioners.
- 99-FC-15 Denial of Access to Public Records by the Franklin Township Community School Corporation (Marion County).
- 99-FC-16 Denial of Access to Public Records by the Indiana Department of Correction.
- 99-FC-17 Denial of Access to Public Records by the Indiana Department of Environmental Management.
- 99-FC-18 Denial of Access to Public Records by the Jennings County Board of Commissioners and the County Attorney.
- 99-FC-19 Denial of Access to Public Records by the Lake Circuit Court Clerk's Office.
- 99-FC-20 Change in Time of Board Meeting by the Eastern Howard School Corporation.
- 99-FC-21 Denial of Access to Public Records by the Noble County Prosecuting Attorney's Office.
- 99-FC-22 Meeting Notices and Memoranda of the Hamilton County Board of Commissioners.
- 99-FC-23 Meeting Notices and Memoranda of the Hamilton County Council.

## **2000**

- 00-FC-1 Denial of Access to Public Records by the Indiana Department of Correction.
- 00-FC-2 Denial of Access to Investigatory Records by the Indiana State Police Department.
- 00-FC-3 Alleged violation of the Indiana Open Door Law by the Carmel City Council.
- 00-FC-4 Executive Sessions and the Middlebury Town Council.

- 00-FC-5 Denial of Access to Public Records by the Indiana Department of Correction.
- 00-FC-6 Notice of Executive Session of the Hammond Redevelopment Commission.
- 00-FC-7 Denial of Access to Attorney-Client Communication by the Noble County Prosecuting Attorney.
- 00-FC-8 Denial of Access to Public Records by Indiana State University.
- 00-FC-9 Alleged Violation of the Open Door Law by the Harrison County Board of Commissioners for failure to adjourn.
- 00-FC-10 Denial of Access to Public Records by the Hamilton County Sheriff's Department.
- 00-FC-11 Grounds to File a Formal Complaint with the Public Access Counselor under the Open Door Law.
- 00-FC-12 Executive Session held by the Board of the Cordry-Sweetwater Conservancy District.
- 00-FC-13 Alleged Violation of the Open Door Law by the Board of the Franklin Township Community School Corporation (Marion County).
- 00-FC-14 Alleged Violation of the Open Door Law by the Board of the Cordry-Sweetwater Conservancy District.
- 00-FC-15 Denial of Access to Public Records by the Brownsburg Town Court.
- 00-FC-16 Pending.
- 00-FC-17 Pending.