



# STATE OF INDIANA

MITCHELL E. DANIELS, JR., Governor

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Richard Volbrecht

Via e-mail: [Richhighla@aol.com](mailto:Richhighla@aol.com)

*Informal Inquiry 11-INF-61; Advisory Opinion 06-FC-180*

Mr. Volbrecht,

It was a pleasure meeting you on Tuesday night at the "Your Right to Know" presentation sponsored by the Shared Ethics Advisory Commission, the Quality of Life Council of Northwest Indiana, and the Lake County Advancement Committee. After the presentation, you asked that I review a prior advisory opinion issued regarding a formal complaint that you filed against the Hammond Sanitation Board. You specifically provided that you disagreed with the opinion that the Sanitation Board complied with the Access to Public Records Act by simply giving you access to a cavernous room filled with records and requiring that you personally find the records that were sought.

After reviewing the Formal Opinion, which I have attached, I do agree with the logic and conclusion provided by Counselor Davis in regards to the issue of inspection that you have presented. Counselor Davis provided the following:

With respect to your second issue, you claim that the District has, by turning you loose in the file room, deprived you of public records by failing to give you helpful guidance as to where the records are located within the numerous file cabinets. I would be inclined to agree that in some circumstances, such free ranging access could effectuate a denial because the requester would be hampered in locating records without a decent roadmap to where the specific records are located among many boxes or file cabinets.

However, the District disputes that you were left entirely to your own devices in locating the records. The District maintains that Mr. Biller explained how the records were arranged and filed. Even under your facts, you left the District offices after just 35 minutes, and except for five minutes, all that time was spent looking through the minutes. It is my opinion that the District did not violate the APRA by asking that you locate the precise records you were seeking, or by asking you to make the copy.

The Sanitation Board provided in its response to your formal complaint that you were instructed on how the records were arranged and filed and could be found in one of ten filing cabinets contained in the designated room. Due to the general nature of your request, it appears that Board was not entirely sure what you were looking for, and instead of denying your request, allowed you the opportunity to inspect the records so that you could identify the specific records that were sought. I would also remind you that the Public Access Counselor is not a finder of fact, and it appears from the record that your version of the events that occurred differed from those offered by the Sanitation Board. However, it is my opinion that the logic and conclusion provided in the Advisory Opinion is sound and is not contrary to the APRA.

Please let me know if I can be of any further assistance.

Best regards,

A handwritten signature in black ink, appearing to read "J. Hoage". The signature is written in a cursive style with a large initial "J" and a distinct "Hoage" at the end.

Joseph B. Hoage  
Public Access Counselor