

May 14, 2008

Ben Kindle
4972 West Sims Lane
Monrovia, Indiana 46157

Sonjia Graf
6364 North Kivett Road
Monrovia, Indiana 46157

Re: Formal Complaint 08-FC-104; Alleged Violation of the Access to Public Records Act by the Morgan County Gregg Township Trustee

Dear Mr. Kindle and Ms. Graf:

This advisory opinion is in response to your formal complaints alleging the Gregg Township Trustee (“Trustee”) violated the Access to Public Records Act (“APRA”) (Ind. Code 5-14-3) by denying you access to records. I have enclosed a copy of the Trustee’s response to the complaint for your reference. It is my opinion the Trustee has not violated the APRA.

You have submitted several recent complaints against Gregg Township Trustee Carol Snyder.

Because I recently addressed the issue regarding this Trustee’s address and telephone number in *Opinion of the Public Access Counselor 08-FC-73*, I will refer you to that opinion for information regarding those matters. I have enclosed a copy of that opinion for your reference. I have also addressed the issue of copy costs in *Opinion of the Public Access Counselor 08-FC-86*. I have enclosed another copy of that opinion for your reference as well.

It is my opinion that you have raised no new issues in these three recent complaints. It is clear some animosity exists among several members of the Gregg Township community. While this office will always address complaints related to alleged violations of the Access to Public Records Act, pursuant to I.C. § 5-14-5-9, it is not the place to address personal grievances. Further, it is not the place to continue to raise the same issues again and again. I have issued an opinion regarding the issues you raise. If you do not agree with my opinion or seek further action in those matters, the appropriate place to address those issues is in a court of law. See I.C. § 5-14-3-9(e).

The public policy of the APRA states, "(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." I.C. § 5-14-3-1. The Trustee is clearly a public agency for the purposes of the APRA. I.C. § 5-14-3-2. Accordingly, any person has the right to inspect and copy the public records of the Trustee during regular business hours unless the public records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. I.C. § 5-14-3-3(a).

I see no evidence in the present complaints that the Trustee has failed to provide access to records. I would again remind you that the Trustee may require advance payment for copies of records (See I.C. § 5-14-3-8(e)), and it is my understanding, Mr. Kindle, that once you have remitted payment, the Trustee will provide those records at issue in Opinion of the Public Access Counselor 08-FC-86. It is your responsibility to follow up with the Trustee to provide payment.

CONCLUSION

For the foregoing reasons, it is my opinion the Trustee has not violated the APRA.

Best regards,



Heather Willis Neal
Public Access Counselor

cc: Carol Snyder, Gregg Township Trustee
Stephen R. Buschmann, Thrasher Buschmann Griffith & Voelkel