

May 20, 2008

Raymond Curtis  
PO Box 758  
Beverly Shores, Indiana 46301

*Re: Formal Complaint 08-FC-111; Alleged Violation of the Access to Public Records Act by the Calumet Township (Lake County) Assessor*

Dear Mr. Curtis:

This advisory opinion is in response to your formal complaint alleging the Calumet Township Assessor ("Assessor") 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 Assessor's response to the complaint for your reference. It is my opinion the Assessor has violated the APRA by failing to respond to the request or provide access to public records.

#### BACKGROUND

You allege that you requested copies of records from the Assessor by facsimile transmission dated April 23, 2008. Receiving no response, you submitted this complaint on May 1. You requested priority status but did not allege any of the reasons for priority status listed in 62 IAC 1-1-3, so priority status was not granted.

The Assessor responded to the complaint by letter dated May 15 from Henry Bennett, Jr. of the Assessor's office. While Mr. Bennett provides several details related to your real property assessment, he does not address the complaint related to your request for access to public records, which is the only issue in this matter that this office has the authority to address.

#### ANALYSIS

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 Assessor 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 Assessor 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).

A request for records may be oral or written. I.C. §§ 5-14-3-3(a), 5-14-3-9(c). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven days of receipt, the request is deemed denied. I.C. § 5-14-3-9(b).

Here, the Assessor neither responded to your request for access to records within seven days of receipt of the request. Further, the Assessor neither provided you access to copies of the requested records or a statutory exception withholding the requested records from disclosure. As such, it is my opinion the Assessor violated the APRA.

#### CONCLUSION

For the foregoing reasons, it is my opinion the Assessor has violated the APRA by failing to respond to the request or provide access to public records.

Best regards,



Heather Willis Neal  
Public Access Counselor

cc: Booker Blumenberg, Jr., Calumet Township Assessor