

January 16, 2007

Jeffrey Bringle
3465 Virginia Street
Columbus, IN 47203

Re: Formal Complaint 06-FC-217; Alleged Violation of the Access to Public Records Act by the Bartholomew County Drainage Board

Dear Mr. Bringle:

This is in response to your formal complaints alleging that the Bartholomew County Drainage Board ("Board") violated the Access to Public Records Act by failing to respond to your requests for records. I find that the Board did not violate the Access to Public Records Act.

BACKGROUND

On November 17, 2006 you hand-delivered a request for records to the Bartholomew County Surveyor and the Board at 440 Third Street in Columbus, Indiana. You enclosed with your complaint the response on letterhead of the Surveyor dated November 20, 2006. This response provided the information you requested, including information about the Board members. Your complaint is that you have not received a separate response from the Board.

Your other request was dated and delivered on November 21, 2006. You asked for an index and record of all phone calls concerning Sloan Branch, to include concerned callers' phone numbers, the date and summary of the substance of the call from the year of 1984 to the present, and all documentation that would prove or tend to prove jurisdiction relied upon by the Bartholomew County Drainage Board and Surveyor for Sloan Branch. You allege that no response was received to this request.

I sent a copy of your complaints to the Board. Board attorney J. Grant Tucker provided a written response, a copy of which is enclosed. He stated that all responses have been provided within the requirements of the law. He stated that the information provided by the Surveyor is on behalf of the Board. In pertinent part, he enclosed a copy of a letter dated November 22, 2006 to you, responding to the request for the phone index and documentation proving jurisdiction for Sloan Branch. I enclose copies of the letter of Mr. Tucker as well as a copy of the November 22, 2006 letter to you.

ANALYSIS

Any person may inspect and copy the public records of any public agency, except as provided in section 4 of the Access to Public Records Act. Ind. Code 5-14-3-3(a). A public agency must respond within 24 hours to a request received via hand-delivery. If a request is

received before a weekend or legal holiday when the public agency's office is closed, the response is timely if it is sent on the following business day. IC 5-14-3-9(a).

The first part of your complaint is without merit, given that the response on Surveyor letterhead, which you enclosed, was on behalf of the Board as well as the Surveyor. This would have been clearer if the Surveyor had stated in his response letter that the response was also on behalf of the Board. However, the information concerning the Board was included in the response. The Board's complaint response clarifies this point. No violation of the Access to Public Records Act has been demonstrated.

The allegations concerning your request for the phone index and Sloan Branch jurisdiction documentation are also without merit, because it appears from the documentation provided by the Board that it did provide a response on November 22. The response appears to have been sent in a timely manner, since it was sent the day following the November 21 request. I have enclosed a copy of the response in the event that your complaint was the result of your not receiving the response through the mail.

CONCLUSION

For the foregoing reasons, I find that the Bartholomew County Drainage Board did not violate the Access to Public Records Act.

Sincerely,

Karen Davis
Public Access Counselor

cc: J. Grant Tucker