

April 13, 2006

Samuel L. Shaw
627 H Street
Bedford, IN 47421

Re: Formal Complaint 06-FC-56; Alleged Violation of the Access to Public Records Act by the Lawrence County Auditor

Dear Mr. Shaw:

This is in response to your formal complaint alleging that the Lawrence County Auditor (“Auditor”) violated the Access to Public Records Act by refusing to allow you to view or retrieve a copy of the Auditor’s records at the office of the Auditor.

BACKGROUND

You claim that the Auditor denied you a record of policies concerning the public’s right to speak at a meeting of the Lawrence County Commissioners. You wish to retrieve a copy of the record, or at least view the record, at the Auditor’s office. The Auditor had mailed a copy of the record to you via certified mail. You state that you do not sign for certified mail. When the mail was returned to the Auditor, you claim that you offered to retrieve the mail at the Auditor’s office, but you were denied.

The Auditor, in her response to your complaint, disputed that you had ever been denied the right to retrieve the letter from her office during her regular office hours. Ms. Billie Tumey, Lawrence County Auditor, stated that when the mailed copy was returned to her office unclaimed, you called to ask whether the letter had been returned. Ms. Tumey stated that she told you that you could come in and pick up the letter, but you refused.

ANALYSIS

Any person may inspect and copy the public records of any public agency during the regular business hours of the public agency, except as provided in section 4 of the Access to

Public Records Act. Ind. Code 5-14-3-3(a). A person has the right to either inspect, or copy public records, or may do both. A public agency may comply with the Access to Public Records Act by merely making its records available at its offices; a public agency is not required to mail copies of its records.

In the complaint before me, you contend that you were denied the right to retrieve the letter or inspect its contents (it is not clear to me which you are complaining about) in the Auditor's office. The Auditor has written to me stating that she told you that you could come in and pick up the letter from the office. I cannot find that the Auditor denied you a record. She has gone on record as stating that the record is available at her office. I recommend that you proceed to claim your letter at Auditor Tumey's office during the Auditor's regular business hours.

CONCLUSION

For the foregoing reasons, I do not find any violation of the Access to Public Records Act by the Lawrence County Auditor.

Sincerely,

Karen Davis
Public Access Counselor

cc: Billie Tumey