

July 6, 2006

Wade Meisberger
#930862
Miami Correctional Facility
P.O. Box 900
Bunker Hill, Indiana 46914

Re: Formal Complaint 06-FC-94; Alleged Violation of the Access to Public Records Act by the Miami Correctional Facility

Dear Mr. Meisberger:

This is in response to your formal complaint alleging that the Miami Correctional Facility (“Facility”) violated the Access to Public Records Act by failing to give you a record. I find that the Facility violated the Access to Public Records Act, although the Facility has indicated that it would supply you the information.

BACKGROUND

You filed your formal complaint with the Office of the Public Access Counselor when you received no response to your May 11, 2006 request for a copy of the Miami Correctional Facility’s budget for the 2005 fiscal year. I sent a copy of your complaint to the Facility. In response, I received a letter from Superintendent Walter Martin stating that the Facility has provided you with a copy of the budget in response to your complaint. A copy of the response is attached for your reference.

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 (“APRA”). Ind. Code 5-14-3-3(a). If the public agency receives a request for a record via U.S. Mail or facsimile, the public agency is required to respond within seven calendar days, or the request is deemed denied. IC 5-14-3-9(b).

You state that the Facility had not responded to your latest request for the budget, which was sent to the Facility May 11. Given seven days for a response, the Facility should have acknowledged receiving your complaint no later than May 18. You also alleged that in response to an earlier request for the record, Policy Coordinator Norman Karis told you that he intended to deny you the budget information.

However, in response to your complaint, Superintendent Martin has stated that he has provided you with a copy of the budget. Although the Facility has now complied, I must find that the initial failure to acknowledge your request in a timely manner was a violation of the Access to Public Records Act.

CONCLUSION

For the foregoing reasons, I find that the Miami Correctional Facility violated the Access to Public Records Act with its initial failure to timely respond, but has now indicated it will comply with your request.

Sincerely,

Karen Davis
Public Access Counselor

cc: Walter Martin