



STATE OF INDIANA

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June 16, 2010

Mr. Michael J. Shepard
Warrick County Jail
P.O. Box 488
Boonville, IN 47601

Re: Formal Complaint 10-FC-130; Alleged Violation of the Access to Public Records Act by the Vanderburgh County Circuit and Superior Court

Dear Mr. Shepard:

This advisory opinion is in response to your formal complaint alleging the Vanderburgh County Circuit and Superior Court (the "Court") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* The Court's response to your complaint is enclosed for your reference.

BACKGROUND

In your complaint, you allege that you requested a copy of certain records from the Court on March 31, 2010 and April 13, 2010. In response to your complaint, the Court forwarded a copy of its docket showing that it responded to your request on April 19th. At that time, the Court sent you your requested records.

ANALYSIS

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 (7) days of receipt, the request is deemed denied. I.C. § 5-14-3-9(b). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. I.C. § 5-14-3-9(a). A response from the public agency could be an acknowledgement that the request has been received and information regarding how or when the agency intends to comply. Here, if the Court failed to respond to your written request within seven (7) days, the Court violated the APRA. If the April 13th request was the only request the Court received, the Court did not violate the APRA by

responding on April 19th. In any event, I understand that the Court has sent you all requested records. I trust this resolves your complaint.

CONCLUSION

For the foregoing reasons, it is my opinion that if the Court failed to respond to your written request within seven (7) days of receipt, the Court violated Section 9 of the APRA. However, it is my opinion the Court did not otherwise violate the APRA because it sent you all responsive records.

Best regards,

A handwritten signature in black ink that reads "Andrew J. Kossack". The signature is written in a cursive, slightly slanted style.

Andrew J. Kossack
Public Access Counselor

Cc: Donna Pater