



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

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October 29, 2014

Ms. Pamela Frazee  
P.O. Box 23  
Stockwell, IN 47983

*Re: Formal Complaint 14-FC-225; Alleged Violation of the Access to Public Records Act by the Tippecanoe County Auditor*

Dear Ms. Frazee,

This advisory opinion is in response to your formal complaint alleging the Tippecanoe County Auditor, ("Auditor") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* Mr. Douglas J. Masson of Hoffman, Luhman and Masson, P.C., has responded on behalf of the Auditor. His response is enclosed for your reference. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on September 30, 2013.

## **BACKGROUND**

Your complaint dated September 30, 2014 alleges the Tippecanoe County Auditor violated the Access to Public Records Act by denying access to complete records requested in violation of Ind. Code § 5-14-3-3(b).

On September 15, 2014, you submitted a public records request to the Auditor seeking identification on a specific piece of land including the deeded owner, a parcel description and acreage. You allege these pieces of information are missing from the Auditor's response sent to you on September 19, 2014. You requested the records in electronic form.

The Auditor responded to your complaint stating that all of the records responsive to your request had been sent to you.

## **ANALYSIS**

The public policy of the APRA states that "(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.” See Ind. Code § 5-14-3-1. The Tippecanoe Auditor’s Office is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Auditor’s public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

Frankly, it is a bit unclear what your grievance is or the exceptions you take with the Auditor’s response. I have reviewed the information provided to you by the Auditor and it appears to satisfy your request. If, as the Auditor suggests, you are unhappy with the format in which it was sent to you, it appears the Auditor met expectations by making reasonable efforts to provide you with an electronic copy. The office followed-up with a hard copy which is above and beyond statutory requirements. Please do not hesitate to contact me if your complaint has been misunderstood.

### CONCLUSION

For the foregoing reasons, it is the Opinion of the Office of the Public Access Counselor the Tippecanoe County Auditor did not violate the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'L. H. Britt', with a long, sweeping underline.

Luke H. Britt  
Public Access Counselor

Cc: Mr. Douglas J. Masson, Esq.