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the board of public printing is required to act as an ex officio clerk of the state election board.

2. The deputy director of public works and supplies who is serving as clerk of the election board is not entitled to additional compensation for serving as such for the reason that the 1941 Act provides that this service shall be without remuneration and by virtue of the rule as set out in the Attorney General Opinions of 1940, page 99 and the Attorney General Opinions of 1929 and 1930, page 937, which states that public officers take their office *cum onere* and services required of them by law for which they are not specifically paid must be considered being performed without additional compensation.

OFFICIAL OPINION NO. 114

December 19, 1953.

Mr. Harry E. Wells,
Commissioner of Insurance,
240 State House
Indianapolis, Indiana.

Dear Mr. Wells:

I have your letter requesting my opinion which reads as follows:

“May I have your official opinion on the following question:

“As a service to the public, the Department of Insurance accepts complaints from persons whose claims have been denied from insurance companies and writes to such companies asking them to explain their reason or reasons for denial of such claim. After receipt of the company’s reply, either the entire text or the substance of such reply is forwarded to the complainant.

“The complainant is then advised that if he is not satisfied with the explanation of the company as to the reason of their denial, that such person, if he so desires, has the right to pursue his remedy through a court of law by engaging the services of an attorney at law of his own choice. Naturally the Person’s complaint, the

Department's letter to the company concerned, the company's reply and the Department's informing the complainant of the company's position are all placed in a file and listed as a complaint against the company concerned.

"The specific question that I desire to know is whether these files are to be construed as 'public records' and would be available for inspection to the public?"

The question as to whether the files to which you refer are "public records" is determined by Chapter 115, Acts of 1953, same being Burns' Indiana Statutes Annotated (1951 Repl., 1953 Supp.), Section 49-3904 *et seq.* The application of Section two of said Act (Burns' 49-3905) provides in part:

"(1) The term 'public records' shall mean any writing in any form necessary, under or required, or directed to be made by any statute or by any rule or regulation of any administrative body or agency of the state or any of its political subdivisions. * * *"

Section three of said Act then gives the right of inspection of "public records" as above defined.

This definition provision has been interpreted and construed by this office by O. A. G. 20, 1953, page 94 herein and O. A. G. 45, 1953, page 208 herein. I call attention to the following excerpts from those opinions which followed immediately the quotation of the part of Section two of Chapter 115 as set forth above:

O. A. G. 20:

"The above definition of 'public records' limits such records for the purpose of the act to those which by statute or regulation are 'required, or directed' to be in writing or where the statute or regulation requires a record in a 'form necessary' to be in writing."

Thus, for any writing to be a "public record" there must be a statute or regulation requiring or directing the same to be kept. I have examined the Indiana Insurance Code and find no such requirement or directive for the matters to which you

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refer. Also there is no such requirement or directive in any rule or regulation of the Insurance Department.

Therefore, in answer to your request, it is my opinion that the letters, writings and files to which you refer are not "public records" and accordingly are not available, under the law, for inspection by the public.

OFFICIAL OPINION NO. 115

December 21, 1953.

Mr. F. W. Quackenbush,
Indiana State Chemist,
Department of Agricultural Chemistry,
Purdue University,
Lafayette, Indiana.

Dear Sir:

This is in reply to your letter of November 23, 1953 in which you inquire as to the following:

"I request your opinion as to whether under the Indiana Feeding Stuffs Law the State Chemist can legally issue a tag and State Chemist stamp in denominations larger than 100 pounds (1 ton, 5 ton, etc.) for delivery to the consumer when feeding stuffs are sold in bulk."

Section 2 of Chapter 206 of the Acts of the General Assembly of 1907, as amended in 1909 and 1933, as found in Burns' Indiana Statutes Annotated (1950 Repl.), Section 16-1002, provides in part as follows:

"* * * When concentrated commercial feeding stuff is sold in bulk, a tag, as hereinbefore described, and a state chemist stamp shall be delivered to the consumer *with each one hundred (100) pounds*, or fraction thereof, in excess of five (5) pounds; Provided, That state chemist's stamps shall be issued to cover twenty-five (25), fifty (50) and one hundred (100) pounds." (Our emphasis.)