



STATE OF INDIANA

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December 18, 2025

Re: Complaint 25-FC-002B
Joey D. Kimbrough (Complainant) v.
Howard County Clerk of the Circuit Court (Respondent)

This advisory opinion is issued in response to the above-referenced complaint dated January 11, 2025.

A Notice of the Complaint, along with a copy of the complaint, was sent to the Respondent on September 11, 2025, requesting a formal response by October 9, 2025. A formal response, submitted by County Attorney Alan Wilson on behalf of Respondent, was received in this office on October 7, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act ("APRA") by not providing requested records and redacting a record without explanation.

ANALYSIS

The public policy of 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 is to provide the information." Indiana Code (IC) 5-14-3-1.

Respondent is a public agency for purposes of APRA; and therefore, subject to the requirements. IC 5-14-3-2(q). As a result, unless an exception applies, any person has the right to inspect and copy Respondent's public records during regular business hours. IC 5-14-3-3(a).

Between October and December 2024, Complainant exchanged several emails with Respondent regarding his APRA request. Respondent provided Complainant with a partial production of responsive documents. Complainant followed up with Respondent regarding the oaths of office for county elected officials and bond information. Respondent provided Complainant with the oaths for most of the judges. However, Respondent did not have an oath for Judge Murray. Respondent spoke with the Recorder's Office, and it does not have any bond forms for the judges. Complainant asked for bond company contact information, which is outside of APRA, but Respondent provided the bond company names with contact information.

Judge Lynn Murray is the Howard County Circuit Court Judge and as such her oath of office should be maintained by the Indiana Secretary of State's Office, not with Howard County.

Complainant requested the attorney oaths for attorney Alan Wilson and Judge Lynn Murray. Respondent explained There is no oath of office for the County Attorney. Further, Alan Wilson stated:

"As for my personal oath, I certainly recall orally taking an oath before the Indiana Supreme Court when I was admitted to practice but I do not recall ever seeing a written oath and certainly Howard County would not have a copy if one exists.

As for Judge Murray's attorney's oath, ... the same information applies.

You might check to see if the Indiana Supreme Court keeps a written record of attorney oaths."

Respondent then stated that it had no additional responsive documents.

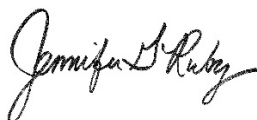
Respondent provided Complainant with all responsive records it maintained and informed Complainant that it did not maintain the remaining records requested. According to previous advisory opinions, APRA does not require a public agency to create a record or conduct research to compile a record to satisfy a request for documentation. If Respondent has no documents responsive to Complainant's request, it did not violate APRA when it did not give Complainant additional documents.

If Respondent does not have a copy of the oaths or bond information in its possession for certain elected officials, Respondent may refer Complainant to other potential resources for obtaining these documents, but such a referral is not required under APRA.

This office only has jurisdiction related to the Open Door Law (ODL), which is found in IC 5-14-1.5, or APRA, which is found in IC 5-14-3. The issues of who should have an oath and who should be bonded fall outside this office's jurisdiction. IC 5-4. Officers' Bonds and Oaths.

CONCLUSION

This office finds that Respondent did not violate APRA by not providing copies of documents that it does not maintain.



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