



STATE OF INDIANA

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February 18, 2026

Re: Complaint 25-FC-127
Pamela Frazee (Complainant) v.
Tippecanoe County Government (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on June 19, 2025

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 21, 2025, requesting a formal response by November 19, 2025. A formal response, submitted by Attorney Douglas Masson of Hoffman, Luhman & Masson, PC, on behalf of Respondent, was received in this office on November 19, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to respond to Complainant's records request and failing to provide the requested records.

ANALYSIS

The public policy of APRA states that "[p]roviding persons with the 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." 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).

A request for inspection or copying must:

- (1) identify with reasonable particularity the record being requested; and
- (2) be at the discretion of the agency, in writing on or in a form provided by the agency... IC 5-14-3-3(a).

IC 5-14-3-9(c) states: If a person requests by mail or by facsimile a copy or copies of a public record, a denial of disclosure does not occur until seven (7) days have elapsed from the date the public agency receives the request.

This constructive, rather than written, denial allows a person to file a complaint with the Office of the Public Access Counselor (OPAC). A complaint must be filed within thirty (30) days of a denial, or constructive denial, or it is barred. IC 5-14-5-7. Complainant filed her complaint within this timeframe.

The Complainant alleges that Respondent violated APRA when it failed to respond to the record request of May 18, 2025. The records request sought copies of the personnel assignments, contracts and staff training activities for the Area Plan Commission (APC), for a period of some nine (9) years.

Respondent acknowledges in its formal response that it failed to timely respond to the record request due to internal miscommunication. Respondent provides a response to the record request dated November 19, 2025, stating that those responsive records that could be identified have been provided to Complainant. Respondent denies other copies of records due to lack of reasonable particularity as to the records requested.

The Indiana Court of Appeals addressed the meaning of the phrase “reasonable particularity” in *Jent v. Fort Wayne Police Dept*, 973 N.E.2d 30 (Ind. Ct. App. 2012) which involved a request for daily incident logs. The court concluded that reasonable particularity in a record request “turns in part, on whether the person making the request provides the agency with information that enables the agency to search for, locate, and retrieve the records.”

This office has opined in *Opinion of the Public Access Counselor 22-FC-71* that “[r]equiring reasonable particularity relieves a public agency from the guesswork of having to anticipate exactly what a requester is seeking.” The Opinion goes on to say, “[a]ll contracts and agreements for multiple years is also not a reasonably particular request.”

Respondent takes the position that a request for all contracts involving contractors or outside advisers for a period of nine (9) years is not reasonably particular, *citing Opinion of the Public Access Counselor 04-FC-208*. Respondent further takes the position that the County does not maintain lists of the information you have requested and is not required to create them, *citing Opinion of the Public Access Counselor 13-FC-276*. APRA, according to Respondent, does not require a public agency to develop records or information pursuant to a request, but requires the public agency to provide access to records already created, *citing Opinion of the Public Access Counselor 11-FC-87*. These concepts have been consistently applied in *Opinions* since.

CONCLUSION

This office finds that the Respondent may have violated APRA by failing to respond, but its failure to respond resulted in a constructive denial to Complainant. Respondent subsequently responded when it realized the internal miscommunication resulting in that failure to respond. Its response did not violate APRA because Respondent provided the responsive records it could identify and denied other requests for copies as lacking reasonable particularity.

A handwritten signature in black ink, appearing to read "Jennifer G. Ruby". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jennifer G. Ruby
Public Access Counselor