



# STATE OF INDIANA

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March 17, 2026

Re: Complaint 25-FC-157  
David Abrell (Complainant) v.  
Turkey Creek Dam and Dike Conservancy District (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed July 22, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 29, 2025, requesting a formal response by December 1, 2025. A formal response, submitted by Attorney David Hollenbeck of Blachly, Tabor, Bozik & Hartman, LLC, on behalf of Respondent, was received by this office on December 1, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of the requested records and providing them in a timely manner.

## **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 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).

Complainant filed two (2) requests for copies of records under the Access to Public Records Act (APRA). Complainant’s requests were filed with Respondent on May 30, 2025.

The first APRA request sought information regarding the 1) election of the Turkey Creek Dam and Dike Conservancy District (TCDDCD) board of directors, from inception, 2) a complete list of all parcels in TCDDCD and list

by subdistricts, and 3) a list of all contract disclosure documents under IC 36-1-21-5, since inception.

Respondent detailed in a written response to Complainant, dated July 8, 2025, that elections had never been contested, directors were appointed and that only limited information was available. Complainant was provided with copies of minutes from the Respondent's annual meetings. Respondent provided a map of the district and referred Complainant to the County Auditor for a list of parcels and to the County Surveyor and Circuit Court as holders of the information in order to define the subdistricts. Respondent also referred Complainant to the Department of Local Government Finance and its Gateway System for access to financial information. Respondent stated that TCDDCD was not a unit under the definition of IC 36-1-21-5 and therefore the request was denied as inapplicable.

The second request, submitted the same day, requested answers to nine (9) questions that had been asked of the TCDDCD Board of Directors at its April 25, 2025, public meeting. It also sought supporting documentation regarding the answers to the questions.

*The APRA deals with request for records; an agency is not required under the APRA to answer questions or perform other acts beyond providing records in response to a request.*

*Opinions of the Public Access Counselor 13-FC-124 and 25-FC-152. However, Opinions of the Public Access Counselor 24-FC-34 and 25-FC-152 state it as:*

*[A] public agency is not required to answer questions to satisfy a public records request.*

These matters do not fall within the provisions of APRA.

Respondent submitted a response to the nine (9) questions on July 14, 2025, detailing the question and specific response. Subsequently on July 22, 2025, the Respondent notified Complainant that it was requesting the Board to approve access for Complainant to records held by the contract engineer at a time to be determined. On July 24, 2025, Respondent provided Complainant with a copy of the District Plan as additional documentation for the response to the second records request. Finally, a USB containing further documentation for request number two (2), as a result of consultation with the engineer, was provided to Complainant on September 19, 2025.

The second request was, in reality, a request for answers to questions, not an APRA request. Complainant requested non-specific documentation to support the answers to those questions, which Respondent provided. It is unclear

whether the offer to access the records of the contract engineer was ever approved by the Board or if approved, ever taken advantage of by Complainant.

Complainant takes exception to the amount of time it took to complete the requests. APRA provides that if the public agency does not deny the request, within a reasonable time after the request is received by the agency the agency shall provide the requested copies to the person making the request. IC 5-14-3-3(b).

APRA does not define the term “reasonable time”. This office has in the past provided guidance on what would be considered a reasonable time for purposes of compliance with the APRA provisions. An informal benchmark this office observes for a typical response time would be thirty (30) days from the receipt of the request. *Opinions of the Public Access Counselor 20-FC-87, 25-FC-071 and 25-FC-129.*

However, this office has further observed that many requests cannot be fulfilled within thirty (30) days for a variety of reasons. In viewing those circumstances this office considers the following factors:

- (1) the size of the public agency;
- (2) the size of the request;
- (3) the number of pending requests;
- (4) the complexity of the request; and
- (5) any other operational considerations or factors that may reasonably affect the public records process.

*Opinions of the Public Access Counselor 20-FC-19, 25-FC-071, and 25-FC-129.*

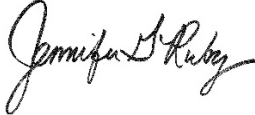
The records request was not particularly voluminous but somewhat complex. The operational limitations were highlighted by Respondent in its response as no fulltime staff, a volunteer board of directors and need for outside assistance to respond to the technical questions.

IC 5-14-3-7(a) states that *[a] public agency shall protect public records... and regulate any material interference with the regular discharge of the functions or duties of the public agency or employees*, meaning the functions and duties are the primary purpose for the public agency, while the records are only one of those.

Respondent replied to Complainant as set forth above on various occasions providing partial responses to the two (2) requests. This office does not consider the time frame between the earliest records request of May 30, 2025, and delivery of the partial responses, beginning June 27, 2025, and the final response of September 18, 2025, after consulting with its contractual engineer, to be an unreasonable time frame.

## **CONCLUSION**

This office finds that the Respondent did not violate APRA as alleged in the complaint.

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