



STATE OF INDIANA

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July 29, 2026

Re: Complaint 25-FC-275
Jeff Ratliff (Complainant) v.
Town of Fortville (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed October 7, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 23, 2025, requesting a formal response by November 21, 2025. A formal response, submitted by Attorney Alex Intermill of Bose McKinney & Evans LLP, on behalf of Respondent, was received on November 21, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of the requested records.

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 hand delivered an Access to Public Records (APRA) request to Respondent on October 3, 2025, for:

- 1) email communications between two (2) specific individuals and members of the Fortville Town Council on December 17, 2024, and

- 2) attachments contained within the email communications between the individuals and members of the Town Council dated December 17, 2024.

Although the request was acknowledged by email the same day, attempting to fulfill the acknowledgement requirement, the email address used for Complainant was incorrect, so the message bounced back. Respondent erroneously assumed that Complainant had blocked Respondent's emails due to unrelated issues. Respondent still forwarded the request to its attorney for review and response. However, Complainant received no acknowledgement.

Technically, when a requestor does not receive an acknowledgement within the appropriate time period, here 24 hours, a constructive denial has occurred. IC 5-14-3-4.4(c)(1) and *Opinion of the Public Access Counselor 25-FC-096*.

Complainant then must file a complaint to this office within 30 days of the alleged violation or denial, or the complaint is barred. IC 5-14-5-7.

Complainant filed his complaint on October 7, 2025. When it was forwarded to Respondent on October 23, 2025, Respondent reviewed the complaint and the request, then responded to both on November 21, 2025.

The Respondent stated in its response of November 21, 2025, that Complainant failed to disclose if the request was for commercial purposes. The check-off box disclosing the use for commercial purpose, is part of the certification included on the Respondent's APRA request form. The selection had not been made on the request form, as evidenced by the supporting documents attached to the complaint.

APRA provides that a request for inspection or copying of public records 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).

This office has held numerous times that APRA requests must be submitted on the form required by the public agency.

APRA allows for public agencies to have discretion over the method they have requesters submit their public records requests. See Ind. Code § 5-14-3(a)(2). So long as these methods are accessible to the public and uniform amongst all requesters, this is standard and compliant.

Opinion of the Public Access Counselor 24-FC-36.

Our review of the statute and prior opinions from this office provides that public agencies are allowed to create and use forms for APRA requests. This office gives deference to public agencies in creating the forms for its APRA request process. *Opinion of the Public Access Counselor 25-FC-114*.

The response of November 21, 2025, also stated that the Respondent was sending notice to Complainant of the deficiency in the request of October 3, 2025 and offered to promptly respond if Complainant should choose to refile the complaint.

On or about December 17, 2025, Complainant responded to Respondent's November 21, 2025, deficiency notice. Complainant stated:

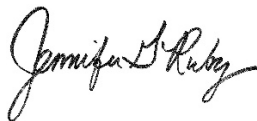
I want to make it clear that the APRA request dated 10-3-2025 is not for commercial purposes and does not seek records that contain lists of names or addresses.

However, Complainant did not submit a new complete form to Respondent.

CONCLUSION

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

However, this office also believes between Complainant's APRA request and December 17, 2025, response that Respondent has a complete APRA request that can be moved forward. We encourage Respondent to do so.



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