



STATE OF INDIANA

MIKE BRAUN, Governor

**PUBLIC ACCESS COUNSELOR
JENNIFER RUBY**

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317) 234-0906
Email: pac@opac.in.gov
Website: www.IN.gov/pac

August 28, 2026

Re: Complaint 25-FC-360
Amy Green (Complainant) v.
Indiana Housing & Community Development Authority [IHCDA]
(Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed November 12, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on November 14, 2025, requesting a formal response by December 16, 2025. A formal response, submitted by Jennifer Phillips, General Counsel, on behalf of Respondent, was received in this office on July 31, 2026. A supplemental response, submitted by Greg Puls, Deputy Chief of Staff, for the Office of Lt. Governor (OLG), was received on July 29, 2026.

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(s). 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).

The complaint states that Complainant filed a request for records on October 30, 2025. The requested records were:

- 1) Grant totals given to Bristol Indiana or Bristol on the River.

- 2) Grant totals for Elkhart County and what entities received these grants, if any.

The original APRA request was filed with OLG and not Respondent. The request was acknowledged by Greg Puls, Deputy Chief of Staff for the OLG. The same email contained the answers to the questions posed in the APRA request.

Complainant subsequently alleged that the request was for records and not information and requested additional information on November 6, 2025. On November 19, 2025, the OLG, as stated in its formal response, had responded to Complainant that the APRA request she submitted had been answered but that the OLG would consider any request for additional information. On December 23, 2025, the OLG submitted the complete file for the grants in Elkhart County to Complainant, as subsequently requested by the Complainant.

Respondent also submitted a response stating they did not receive a Notice of the Complaint as it was sent to an unused email address, which it then turned off to prevent confusion. The Respondent further stated that there were no records in their office since it did not oversee the project. This office has on numerous occasions opined that the public agency is not required to provide records that do not exist nor is it required to create such records. Opinion of the Public Access Counselor 25-FC-112.

Confusion and delay occurred in the responses to this complaint due to four (4) circumstances:

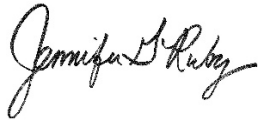
- 1) The APRA request was filed with the OLG, not Respondent.
- 2) The complaint was made against Respondent, not OLG.
- 3) Notice of the Complaint was sent to Respondent at an email provided on the complaint, which was not in use.
- 4) No Notice of Complaint was sent to the OLG since it was not a party listed on the complaint.

Once the confusion was identified and discussed with the parties, formal responses were provided to this office in a timely manner.

CONCLUSION

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

This office also finds that the OLG responded to Complainant in a timely and complete manner, and therefore, also did not violate APRA.

A handwritten signature in black ink, appearing to read "Jennifer G. Ruby". The signature is fluid and cursive, with the first name "Jennifer" being more prominent than the last name "Ruby".

Jennifer G. Ruby
Public Access Counselor