



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 7, 2026

Re: Complaint 25-FC-368
Christopher G. Newman (Complainant) v.
Office of the Clerk of the City of Evansville, Indiana (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed November 17, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on November 17, 2025, requesting a formal response by December 17, 2025. A formal response, submitted by Attorney Joshua Trockman of Kahn, Dees, Donovan & Kahn, LLP on behalf of the Respondent, was received in this office on December 17, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of the requested records 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 an APRA request on September 11, 2025, with the Respondent seeking the following records:

- 1) Any Uniform Conflict of Interest Disclosure Statements (Form 236) filed by Mayor Stephanie Terry that reference Evansville Housing Authority or Advantix Development Corporation (Jan 1, 2024 – present).

- 2) City Council and Board agendas, staff reports, and approved minutes where COI disclosures were read/ accepted or where recusal by Mayor Stephanie Terry is recorded on items involving EHA/Advantix, including but not limited to Ordinance F-2025-09 and any CDBG/HOME/Housing Trust Fund allocations.
- 3) Any internal memoranda, emails, or guidance from the City Attorney or DMD to the Mayor regarding COI/recusal procedures for matters involving EHA/Advantix.
- 4) Any grant agreements, subrecipient agreements, and payment registers showing City-administered funds (CDBG/HOME/HTF) to Advantix, Inc. or EHA during the same period

Respondent acknowledged the request and later responded that her office held none of the requested records. Respondent referred Complainant to websites to obtain the requested records or information. Complainant acknowledged the presence on the website of certain records as requested. Respondent then informed Complainant that she was referring the remainder of the request to the Attorney for the Mayor's office. Complainant requested that Respondent refer Complainant to the appropriate custodian of the remaining records request.

Complainant alleges that Respondent was required to refer him to other custodians of the requested records. While this premise is not entirely clear from Complainant's statement, it can be inferred that he was referring to other city agencies or departments. Respondent's formal response stated that the Clerk serves the Common Council and those responsibilities are limited to the records filed with the Common Council. IC 36-4-10-4.

Respondent may refer Complainant to other potential resources for obtaining requested documents, but such a referral is not required under APRA.

Opinions of the Public Access Counselor 25-FC-002A and 25-FC-092.

Complainant alleges that Respondent did not respond to the record requests within a reasonable time frame. 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. *Advisory Opinion of the Public Access Counselor 20-FC-87.*

However, this office has further observed that many requests cannot be fulfilled within thirty (30) days for a variety of reasons. In 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.

Opinion of the Public Access Counselor 25-FC-034.

Respondent notified Complainant within five (5) days of receipt of the APRA request that it did not have any responsive records.

A public agency is not required to create a record that does not exist and is not required to produce a record it does not have.

Opinion of the Public Access Counselor 25-FC-136. We find that Respondent answered the request within a reasonable time frame.

Respondent also referred Complainant to multiple websites to obtain certain information and records. Respondent then referred the remainder of the records request to the Attorney for the Mayor on November 17, 2025, after multiple follow up emails with Complainant.

It appears that Complainant should direct his records requests to the City Controller's office, Mayor's office, and/or Evansville Housing Authority to receive the records being sought.

CONCLUSION

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



Jennifer G. Ruby
Public Access Counselor