



STATE OF INDIANA

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August 27, 2026

Re: Complaint 25-FC-406
Michael A. Garringer (Complainant) v.
Madison County Commissioner's Office (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed December 2, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on July 21, 2026, requesting a formal response by August 18, 2026. A formal response, submitted by Attorney William Cain of Graham, Farrer & Wilson, P.C., on behalf of the Respondent, was received in this office on August 12, 2026.

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(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).

Complainant filed a request for copies of records on November 18, 2025, under APRA. Complainant's request sought copies of the following records:

- 1) Memoranda of executive sessions held November 4, 2025, and November 7, 2025, including the advertised agenda and posted notices of the meetings.

- 2) A list of appointed officers serving on any board, body, committee, commission or other instrumentality including names, appointing authorities and term of appointment.
- 3) Proceedings regarding the sale of property including copies of notices to the public, offers to adjacent landowners, parcel number and purchase contract.

Once the public entity has acknowledged the request, it has additional “reasonable” time to research and produce the documents that have been requested. *Opinions of the Public Access Counselor 25-FC-096 & 25-FC-307*. Respondent acknowledged all three (3) APRA requests by email the same day. Therefore, Respondent acknowledged the request in a timely manner.

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. *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.

In Respondent’s response, Respondent states:

During November 2025, the complainant submitted seventeen (17) separate public records requests to Madison County, many of which contained multiple subparts requiring review by different departments. Three of those requests form the basis of this complaint.

Respondent also states:

The complainant alleges three (3) public records requests submitted on November 18th, 2025 were not responded to properly. The County regrets that the three requests were not closed as promptly as they should have been. However, this delay was caused by the County processing an

unusually high volume of complex public records requests from the complainant and other requesters. The County acted promptly to remedy all issues once discovered. The County did not intentionally withhold records and has continued to work diligently to provide responsive records whenever they could be identified.

On February 20, 2026, Respondent submitted the copies for request 1 to Complainant. This request was for memoranda of two (2) meetings that should have been approved and available to the public after the next meeting of the Commissioners. We agree that it is not reasonable for the Complainant to wait three (3) months to get copies of meeting memoranda, agenda and notices.

Also on February 20, 2026, Respondent emailed Complainant and asked, "Can you please clarify which sales agreement your referring to in this request?" for Respondent's file 25-1103 or Complainant's request 3. Respondent alleges that the APRA request, regarding the property information lacked reasonably particular in order to search for those records. Respondent needed a property address to facilitate a search. Respondent states that its response did not constitute a denial but was an attempt to narrow the requested information to facilitate a search. However, Complainant did not respond to Respondent.

APRA requires that record requests "must identify with reasonable particularity the records being requested." IC 5-14-3-3(a)(1). The statutes do not define the term "reasonable particularity". 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."

Finally, Respondent acknowledged that an administrative oversight, as above due to the number and complexity of Complainant and others APRA requests, led to a delay in providing the list of officials as requested by Complainant under request 2. This information was emailed to Complainant on the same day that Respondent submitted its response to this office. From November 18, 2025, to August 12, 2026, or almost nine (9) months is not reasonable.

This office also recognizes that the APRA request was filed on November 18, 2025, and the complaint was filed in this office on December 2, 2025, fifteen (15) days later. The statute provides that the public agency must acknowledge the request within seven (7) days but has a reasonable time within which to fulfill the request. Complainant did not allow Respondent reasonable time to respond to the requests before filing a complaint with our office. The requests were not denied and ultimately, post complaint - where reasonably particular, filled by Respondent.

CONCLUSION

This office finds that:

- 1) Complainant filed the complaint prematurely within 15 days of APRA submission without denial and did not allow the public agency reasonable time to respond to his request.
- 2) Respondent violated APRA as alleged in the complaint by not providing the records in a reasonable time for the first and second requests.
- 3) However, Respondent did not violate APRA by requesting additional information with which to conduct a record search for the third request.

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