



STATE OF INDIANA

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September 30, 2026

Re: Complaint 25-FC-410
Michael A. Garringer (Complainant) v.
Madison County Auditor (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed December 5, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on August 20, 2026, requesting a formal response by September 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 September 18, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to respond to his request or 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 under APRA on December 3, 2025, in person. He requested “The Policy, Procedure, Rules, Ordinance and/or Resolution Pertaining to the Identification of a potential conflict of Interest of a County Official.” The request was received by the county, but no written acknowledgement was received within the twenty (24) hour timeframe. Therefore, Complainant filed his complaint on December 5, 2025, as a constructive denial.

APRA states that if a person makes a request by phone or in person, the public entity needs to acknowledge the request within twenty-four (24) hours. When a requestor does not receive an acknowledgement within the appropriate time period, here twenty-four (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 December 5, 2025, one day after acknowledgement should have been received, which is within 30 days.

However, Complainant submitted his complaint in person. It was accepted by Respondent's staff. Although the scan to email option was not working for Respondent, Respondent forwarded both the language of the request, and the requestor's information to its attorney to begin the review and response process.

Our office considers that when a staff person accepts a written request from a requestor, an acknowledgement of the request has occurred, whether or not any words of acceptance were said by the staff person. Even though the formality of an email from Respondent's attorney would have created a paper trail for the acknowledgement, the acknowledgement occurred when the staff person accepted the request. *Opinion of the Public Access Counselor 25-FC-193*.

APRA provides that a public agency may not deny or interfere with the exercise of the right stated in IC 5-14-3-3(a). If the public agency does not deny the request, within a reasonable time after the request is received by agency the public agency shall either:

- (1) Provide the requested copies to the person making the request; or
- (2) Allow the person to make copies:
 - (A) on the agency's equipment; or
 - (B) on the person's own equipment.

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. *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.

Opinions of the Public Access Counselor 25-FC-034 and 25-FC-071.

In Respondent's response, Respondent states:

The County does not dispute that this particular request was not acknowledged [in writing] or processed. That omission was inadvertent....
...

Between mid-November and December 2025, Mr. Garringer submitted approximately twenty separate public records requests to the Auditor's Office on the County's form, directed at a range of County departments and subjects. The December 3, 2025 request at issue here was submitted during that period.
...

The County acknowledges that Mr. Garringer's December 3, 2025 request was not responded to within the period required by Indiana Code § 5-14-3-9(b). The omission was inadvertent, was an exception to the County's consistent practice on Mr. Garringer's other requests, and is being cured by production of the responsive records.

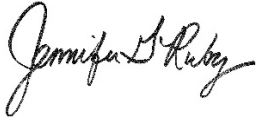
This office also recognizes that the APRA request was filed on December 3, 2025, and the complaint was filed in this office on December 5, 2025, two (2) days later. Complainant did not allow Respondent reasonable time to respond to the requests before filing a complaint with our office.

However, Respondent admits fault and has attempted to cure by releasing the documents on September 30, 2026. The time frame for consideration of timely production of the records begins December 3, 2025, through the production of documents on September 30, 2026. The span of almost ten (10) months is not reasonable for receiving responsive documents.

CONCLUSION

This office finds that:

- 1) Complainant filed the complaint prematurely, within two (2) days of APRA submission, without denial and did not allow the public agency reasonable time to respond to his request.
- 2) Respondent violated APRA by failing to produce or deny records within a reasonable period of time.

A handwritten signature in cursive script, reading "Jennifer G. Ruby".

Jennifer G. Ruby
Public Access Counselor