



STATE OF INDIANA

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August 27, 2026

Re: Complaint 25-FC-462
Bryan D. Fields (Complainant) v.
Lake County Government (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed December 26, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on August 19, 2026, requesting a formal response by September 17, 2026. A formal response, submitted by Attorney Tramel Raggs of Raggs Law, P.C. on behalf of Respondent, was received in this office on August 24, 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).

Complainant filed an Access to Public Records (APRA) request on June 16, 2025, which was acknowledged the same day, seeking the following records:

- 1) Any rules and regulations county employees are subject to as a condition of employment. This may include employee handbooks, memorandums, notices, legal responses etc.

- 2) Any regulations for county employees whose businesses receive benefit from the county directly. This includes county employees on boards or committees of non-profit or nongovernmental organizations receiving anything of from the county.
- 3) A list of all county employees who have made notice to the county of any conflict of interests.
- 4) Any leases, sub-leases or records of non-county users permitting antennas and radio equipment to be installed in or upon a certain specified property.
- 5) Any regulations permitting third party organizations to receive mail at lake county buildings. If such agreements are in place, any copies of these agreements. If records are kept of third party mail received, please state what records are kept.
- 6) Any agreements of records between the county and the Lake County Emergency Mgt. Comm Group.

Respondent on June 16, 2025, referred Complainant to its Attorney Tramel Raggs who handles APRA requests. On July 8, 2025, Complainant followed up with Raggs, who responded within minutes:

Rather than sending the response out in portions, I'm waiting for a response on one of the categories of items you requested. I anticipate the documents will be ready by July 18th, well within the response timeline. If you'd rather I send them out in portions, please let me know.

Complainant again responded within minutes:

Thank you for the update, it's greatly appreciated. I'll wait for the response to be completed.

Complainant followed up on the request to Respondent on August 8 and August 28, 2025. Complainant received neither a denial nor the records prior to filing its complaint on December 26, 2025.

On the complaint form under date denied access, Complainant filled the boxes with both "August, 18, 2025" and "The County has not responded".

Respondent submitted a formal response and asserted a position that Complainant is barred from pressing its complaint because the complaint was filed more than 30 days after the August 18, 2025, denial date which Complainant listed on his complaint. Respondent does not cite the APRA provision upon which his position was taken.

However, IC 5-14-5-7(a) provides:

A person or a public agency that chooses to file a formal complaint with the counselor must file the complaint not later than thirty (30) days after:

- (1) the denial; or
- (2) the person filing the complaint receives notice in fact that a meeting was held by a public agency, if the meeting was conducted secretly or without notice.

APRA clearly uses 30 days as the limitation to those requests that have been actually or constructively denied. This complaint was not constructively denied because it was acknowledged more than once by Respondent. It also was not actually denied because Respondent assured Complainant that the records would be forthcoming, specifically by July 18, 2025. Therefore, this office does not agree with Respondent that any denial occurred which would trigger the requirement to submit a complaint within 30 days.

Instead of denial, Respondent failed to deliver the records as promised at all.

APRA, under IC 5-14-3-3, provides:

(a) Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of this chapter. A request for inspection or copying 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.

No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute. If a request is for inspection or copying of a law enforcement recording, the request must provide the information required under subsection (i).

(b) A public agency may not deny or interfere with the exercise of the right stated in subsection (a). If the public agency does not deny the request, within a reasonable time after the request is received by the 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.

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.

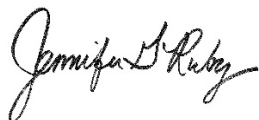
Opinion of the Public Access Counselor 25-FC-034.

Complainant’s record request was made on June 16, 2025, as of our last correspondence with Complainant on July 9, 2026, no records had been received. More than a year without receiving requested records is unreasonable.

This office encourages Respondent work with Complainant to provide the requested records, without delay.

CONCLUSION

This office finds that the Respondent violated APRA as alleged in the complaint.



Jennifer G. Ruby
Public Access Counselor