



# 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  
Fax: (317) 233-3091  
Toll Free: 1-800-228-6013  
Email: [pac@opac.in.gov](mailto:pac@opac.in.gov)  
Website: [www.IN.gov/pac](http://www.IN.gov/pac)

October 1, 2025

Mr. Ken Colbert

*Address*

*Redacted*

via email: *Address Redacted*

**Re: 25-FC-08**

Dear Mr. Colbert:

This letter is in response to your complaint regarding the City of Evansville, Indiana (City). I am providing my advisory opinion in the form of a letter rather than by publication.

A copy of your complaint was forwarded to the City of Evansville. Your complaint alleges that the City failed to provide you with documents you requested under the Access to Public Records Act (APRA).

I have reviewed your file and complaint. I previously sent you the response to your complaint as submitted by the City by Attorney Dirck H. Stahl from Ziemer, Stayman, Weitzel & Shoulders, LLP.

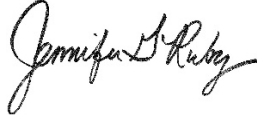
The City has responded that the document you requested does not exist. Your request asked for a copy of the surety bond for an Evansville City Councilor or the insurance company name, address and policy number from which the surety bond was purchased. The City stated that surety bonds are not required for City Council members, as affirmed by the State Board of Accounts (SBOA).

The SBOA in an email dated February 17, 2025, from Mitch Wilson, Government Technical Assistance & Compliance Officer, to Robert Gunter, City of Evansville, opined that "city councilmembers are *not* required to execute a public official bond." Therefore, unless the City chose to purchase a surety bond on city council members, which is not required, no surety bond would exist.

Therefore, this office concludes that the City of Evansville did not violate APRA in failing to provide you with a copy of the surety bond for a city council member. The City is not required to produce records which it cannot because they do not exist.

We consider this complaint closed.

Sincerely,

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

Jennifer Ruby  
Public Access Counselor

cc: Dirck H. Stahl, Attorney for the City of Evansville  
via email: [dstahl@zws.com](mailto:dstahl@zws.com)