



STATE OF INDIANA

MIKE BRAUN, Governor

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November 25, 2025

Re: Complaint 25-FC-075
Nathen Kelly (Complainant) v.
St. Joseph County (Respondent)

This advisory opinion is issued in response to the above-referenced complaint dated April 4, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 14, 2025, requesting a formal response by November 12, 2025. A formal response, submitted by Attorney Eli Wax of Anderson Agostino & Keller, P.C. on behalf of Respondent, was received in this office on November 11, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by taking an unreasonable time to provide 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 is to provide the information." Indiana Code (IC) 5-14-3-1.

Complainant filed a request for copies of public records on November 1, 2024. The request sought email correspondence, documents and communication records related to connection of the railway project between Elkhart and St. Joseph counties and the Canadian National Railway. Respondent asked for the email request to be narrowed and gave instructions for narrowing the request. Multiple emails were exchanged, and responsive records (other than emails) were made available to Complainant on January 16, 2025. However, after refining its request for email correspondence, Complainant failed to receive the responsive emails requested, and thus filed its complaint.

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

define the term “reasonable particularity”. Respondents requested a refinement of the record request based upon the lack of reasonable particularity.

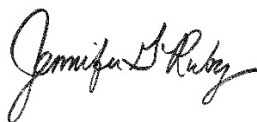
Respondent’s formal response stated that Complainant refined its request after being instructed by Respondent as to what additional information was needed to identify the records requested.

Respondent used the refined search to identify responsive emails. The emails were then provided to Respondent’s staff and counsel to review, redact, if warranted, and coordinate. The review process failed to complete the necessary steps to release the emails to Complainant. Only after the complaint was filed were the emails released to Complainant.

Respondent acknowledges that the failure to supply the email records exceeded what would be considered a reasonable time to respond to the request. Respondent also acknowledged that the delay was unintentional and has used this *“as an opportunity to improve coordination among departments to help ensure that similar oversights do not occur in the future.”* Respondent and Complainant agree that the lapse of nearly five (5) months before answering this records request was an unreasonable time delay.

CONCLUSION

This office finds that Respondent violated the APRA by failing to provide the requested responsive emails in a reasonable time frame, as acknowledged by Respondent.

A handwritten signature in black ink, appearing to read "Jennifer G. Ruby". The signature is fluid and cursive, with the first name being the most prominent.

Jennifer G. Ruby
Public Access Counselor