



STATE OF INDIANA

MIKE BRAUN, Governor

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November 18, 2025

Re: Complaint 25-FC-136
Greg Moore (Complainant) v.
Warrick County Clerk (Respondent)

This advisory opinion is issued in response to the above-referenced complaint dated July 1, 2025.

A Notice of Complaint, with a copy of the complaint attached, was sent to the Respondent on October 15, 2025, requesting a formal response by November 1, 2025. A formal response, submitted by Attorney John Langmaid of Ziemer, Stayman, Weitzel & Shoulders, LLP, on behalf of Respondent, was received in this office on October 30, 2025.

The complaint alleges that the Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of the records requested by Complainant on June 12, 2025. The records request asked for copies of a list of cases that have been filed or are active in Warrick Superior Court 1, since March 2017. The complaint also states that the Respondent failed to provide a record for the name of the County's insurance carrier and a copy of the declarations page.

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.

The response from Respondent states Complainant was told that the record, which consisted of a list of cases that have been filed or are active in Warrick Superior Court 1, since January 1, 2022 (or March 2017 as in the filed complaint), did not exist, and Respondent was not required to create records under a public record request where those records did not exist. Respondent referred Complainant to Opinions of the Public Access Counselor (PAC) 01-FC-61, 08-FC-113 and 16-FC-90, to support its position that a public agency is

not required to create a record that does not exist and is not required to produce a record it does not have.

This office agrees and expands, noting Opinion 15-FC-79 & 52 contains two relevant sections. First,

A public agency is not required to create a list of names and addresses nor publish and disseminate such information. The agency is required to allow a person to inspect such a list, only if it is already created. [IC] 5-14-3-3(f). Public agencies are not required to reprogram a computer system to provide enhanced access. [IC] 5-14- 3-6(d)(1).

And second,

Furthermore, the Public Access Counselor has previously determined a “public agency is not required to compile or create a record to satisfy a person’s request for information. Rather, the APRA requires that a public agency make available its current records.” See Opinion of the Public Access Counselor 06-FC-196.

Additionally, the complaint stated that Respondent failed to provide a record of the insurance carrier and the declarations page of the policy. Respondent, in its July 1, 2025, response stated that as requested it was unable to respond. Respondent has many types of insurance coverage (i.e. auto, fleet, property damage, liability) and was unable to determine the type of insurance being requested by Complainant.

APRA at IC 5-14-3-3(a)(1) provides that “...any person may inspect and copy the public records of any public agency during the regular business hours of the agency.... A request for inspection or copying must:

(1) Identify with reasonable particularity the record being requested”.

Respondent gave Complainant an opportunity to refine its request to identify the type of insurance policy. However, Complainant failed to identify the type of insurance at the core of the request.

Further, Respondent in the formal response clarified that the earlier response was not a denial and instead asked that the Complainant narrow the type of insurance information being requested, so Complainant’s request could be reasonably particular. This office agrees Complainant’s request was not reasonably particular.

CONCLUSION

This office finds that the Respondent did not violate APRA by failing to provide the records requested.

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.

Jennifer G. Ruby
Public Access Counselor