



STATE OF INDIANA

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October 20, 2026

Re: Complaint 26-FC-103
Jennifer "Rae" Teising (Complainant) v.
Wabash Township Trustee (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on March 5, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on March 20, 2026, requesting a formal response by April 20, 2026. A formal response, submitted by attorney, Raymond Biederman of Mattingly Burke Cohen & Biederman LLP, on behalf of Respondent, was received in this office on April 20, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) when it failed to comply with Complainant's requests dated February 7, 2026, and February 14, 2026.

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).

On February 7, 2026, Complainant filed an APRA request with Respondent, requesting:

1. All Wabash Township Board meeting minutes from January 1, 2019, through December 31, 2022.

2. All Wabash Township Board meeting agendas from January 1, 2019, through April 2022.
3. All video or audio recordings of Wabash Township Board meetings from January 1, 2019, through April 2022.
4. All records relating to website wabashtrustee.com.
5. The Wabash Township records retention schedule currently in effect, as well as any retention scheduled from January 2022 to present.
6. All records relating to the destruction, transfer, or archival, of any Township records from January 2022 to present.

On February 13, 2026, Respondent issued a response letter to Complainant, stating:

1. Requests 1 through 3 yielded responsive documents which are available digitally. If Complainant wished to view or print documents at Township Offices, a computer terminal would be made available.
2. Request 4 yielded no responsive records, as Respondent no longer owns, controls, or has access to, wabashtrustee.com.
3. Request 5 yielded no responsive records as Respondent does not have a retention schedule different than the schedule promulgated by the Indiana Archives and Records Administration.
4. Request 6 yielded no responsive records.

In continued communication with Respondent, Complainant noted that certain board resolutions were known but unavailable on Respondent's website, certain videos of Respondent's board meetings were private or otherwise unlisted at the source provided, and certain meeting agendas from 2019 and 2020 were missing. Complainant also requested all resolutions passed by Respondent from 2019 through the present, and all Township Assistance Records from 2019 through 2022. These requests were new, not part of Complainant's initial February 7, 2026, request.

On February 13, 2026, Complainant additionally requested:

1. Records concerning all health insurance plans provided or made available to the Township Trustee from 2019 through 2025.
2. Records concerning retirement plans provided or made available to the Township Trustee from 2019 through 2025.
3. All legal engagement letters, invoices, and billing records from any law firm and Respondent.

4. All records reflecting cellular phones, email accounts, cloud storage accounts, internet service accounts, and other communication platforms paid by Respondent from January 2018 through present.
5. All records reflecting any litigation hold, document preservation directive, or preservation notice issued by or on behalf of Respondent from 2022 through present.
6. All records relating to the negotiation, conditioning, or payment of a certain case.
7. All records relating to the negotiation, conditioning, or payment of remuneration to Complainant.
8. Records sufficient to show the nature, duration, and scope of the nine (9) expenditures reflected in Wabash Township's annual financial report.

On February 20, 2026, Respondent issued a response to Complainant, concerning all APRA requests. In this response to Complainant's initial request, Respondent noted:

1. Respondent is continuing to search for and upload board meeting minutes, resolutions, and agendas to its website. If all requested meeting minutes, resolutions, and agendas were not provided by March 23, 2026, Respondent would reach out to Complainant.
2. Respondent does not have any further video recordings of board meetings, as it was not required to broadcast and publish board meetings until July 1, 2025.
3. Complainant's requests for all Township resolutions from 2019 through present and all Township Assistance records lacked reasonable particularity under IC 5-14-3-9(d), but Respondent would endeavor to provide requested materials if the request was reasonably narrowed.

In Respondent's response to Complainant's additional request, it noted that Complainant's requests lacked reasonable particularity under IC 5-14-3-9(d), but that Complainant would comply with the request if it was reasonably narrowed. Complainant filed a formal complaint with this office on March 5, 2026.

Reasonable Time To Provide Minutes And Agendas

If a public agency does not deny an APRA 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.*

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.*

Complainant filed her complaint with this office 26 days after making her initial APRA request. As noted above, this was within this office’s previously held 30-day timeframe in which a public agency may reasonably respond. Though this complaint was premature, Respondent noted in its April 20, 2026, formal response, that it was continuing to search for and upload the requested documentation. 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.

Respondent asserts that Complainant’s request is complex and voluminous in nature, and thus, it is releasing documents as it finds them and as quickly as possible. In light of the circumstances, this office finds that Respondent is making a clear good faith effort to provide the requested minutes and agendas, as well as other records in a responsive manner.

Lack Of Additional Meeting Recordings

The Open Door Law (ODL) requires that a governing body provide a live transmission of the governing body’s meetings, and that those meetings be appropriately archived so that they may be publicly accessed later. IC 5-14-1.5-2.9(c). This statutory requirement was made effective July 1, 2025. Respondent

argues that all responsive video/audio recordings of meetings have been provided, and that no video/audio recordings are private or unlisted. To the extent that Respondent has made publicly accessible all video/audio recordings beginning July 1, 2025, and all prior video/audio recordings requested by Complainant to the extent they exist have been provided, this office finds that Respondent has complied with ODL and APRA.

Reasonable Particularity

APRA provides:

(a) Any person may inspect and copy the public records of any public agency during 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 or in a form provided by the agency.*

IC 5-14-3-3(a).

The Indiana Court of Appeals addressed the meaning of the phrase, reasonable particularity, in *Jent v. Fort Wayne Police Dept*, 973 N.E.2d 30 (Ind. Ct. App. 2012) which involved a request for daily incident logs. The court concluded that reasonable particularity in a record request “turns in part, on whether the person making the request provides the agency with information that enables the agency to search for, locate, and retrieve the records.”

This office has opined in *Opinion of the Public Access Counselor 22-FC-71* that “[r]equiring reasonable particularity relieves a public agency from the guesswork of having to anticipate exactly what a requester is seeking.” The Opinion goes on to say, “[a]ll contracts and agreements for multiple years is also not a reasonably particular request.” Reasonable particularity does not, however, excuse a public agency from complying with APRA where the request is merely voluminous.

Concerning Complainant’s request for Township Assistance records, this office concurs with Respondent that Complainant’s request failed to meet the reasonable particularity specified in IC 5-14-3-3(a). Complainant’s request for all information related to Township Assistance from 2019 through 2022 is not merely broad, but universal. As Complainant’s request does not provide sufficient particularity to allow Respondent the ability to search for and

compile the requested records, this office finds that Respondent did not constitute a denial under APRA when it indicated the request needed to be narrowed.

Concerning Complainant's February 13, 2026, request, this office finds Complainant's requests numbered 1 through 5 fail to meet the reasonable particularity specified in IC 5-14-3-3(a). As above, the requests are not merely broad in scope, but universal in nature. Respondent notes in its formal response that requesting all documentation concerning such topics as health insurance and retirement plans across a six-year period, without parameters for what specific documentation is being sought, is unreasonable. This office concurs, and opines that Respondent did not violate APRA in noting that these requests would need to be narrowed.

This office likewise finds that, despite its objection concerning reasonable particularity, Respondent complied with Complainant's request number 8 when it directed her to the Indiana Gateway site. To the extent that Complainant requests Respondent review the publicly available financial records and provide records "sufficient to show the nature, duration, and scope" of certain expenditures, this office finds that request to be a request for information, not records. Concerning requests for information, this office has previously opined:

"[A]n agency is not required under the APRA to answer questions or perform other acts beyond providing records in response to a request."

Opinions of the Public Access Counselor 13-FC-124 and 25-FC-152.

As the requested financial documents were available through the Indiana Gateway site, this office finds Respondent did not violate APRA.

However, this office finds that Complainant's requests numbered 6 and 7 were made with sufficient reasonable particularity. These requests involved the negotiation and payment of certain claims owed to Complainant and another individual. While potentially voluminous, these requests specified the named parties of the case, and the discrete aspects of the cases for which Complainant is requesting records. In its response, Respondent noted that it did not consider the requests to be reasonably particular, and any documents returned may be exempt as work product or privileged communications. As Respondent did not deny the request under work product or privilege, they are not considered nor addressed here. That said, as this office finds Complainant's

requests 6 and 7 to be reasonably particular, this office finds Respondent violated APRA as alleged.

CONCLUSION

This office finds that Respondent did not violate APRA when fulfilling the majority of the APRA requests and seeking additional information with which to narrow the requests.

This office finds that Respondent violated APRA when it failed to fulfill or deny Complainant's requests number 6 and 7.

A handwritten signature in black ink, appearing to read "Brittney A. Long". The signature is stylized with a large, looped "B" and a cursive "Long".

Brittney A. Long
Public Access Counselor