



STATE OF INDIANA

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October 22, 2026

Re: Complaint 26-FC-196
Lynn Plummer-Studebaker (Complainant) v.
Fulton County Commissioners (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on April 2, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on April 21, 2026, requesting a formal response by May 20, 2026. A response from Hayley Sears, council for Respondent, was received by this office on May 20, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) when it failed to provide all records within a reasonable time.

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.” 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 9, 2026, Complainant filed two separate APRA requests with Respondent, the first one (APRA A) requesting:

- 1) Complete file - as is that contains data center information;
- 2) A copy of all emails from Commissioner Sommers email accounts from specified email addresses and text messages from a specified number regarding any the following key terms:

- a. Data Center, DC, Decennial, ordinance, economic development, zoning, amendments, power lines, water, sound, neighbors, opposition, location, site(s), transmission lines, electricity, power, agreement, property, setbacks, land purchase, property purchase, landowner, breakfast, lunch, meeting, REMC Wabash Valley, NIPSCO, ROAW/DCCM and or ROAW, Prologis, Akron, Fites, Harter, Fites and Harter Partnership, DR Smith, DR Smith Farms, LLC, Devon Smith, Matt Smith, Orville Haney, Janet Ogle.
- b. Received from and/or sent to any of the following individuals: Tom Kakich, Scott Clay, (sic) Karas, Kathy Easterday Adams also known as Kathy Adams. This would include any emails generated from and to you and deleted emails.
- c. The request is for the time period from August 1, 2025 to February 9, 2026.

The second APRA request (APRA B) requested:

- 1) Complete file – as is that contains data center information
- 2) A copy of all emails from Area Plan Commission Director Heather Redinger (provides specified email address) regarding any of the following key words:
 - a. Data Center, DC, Decennial, ordinance, zoning amendments, powerlines, water, sound, neighbors, opposition, location, site(s), transmission lines, property, setbacks, land purchase, property purchase, landowner, REMC, Wabash Valley, NIPSCO, ROAW/DCCM and or ROAW, Akron, Fites, Harter, Fites and Harter Partnership, DR Smith, DR Smith Farms LLC, Devon Smith, Matt Smith, Orville Haney, Janet Ogle.
 - b. Received from and/or sent to any of the following individuals: Tom Dakich, Seth White, Dave/David Sommers, Andrew Horstman. This would include any emails generated to and from and deleted emails.
 - c. The request is for the time period of August 1, 2025 to February 9, 2026.

- d. A copy of all legal notices for the public regarding potential and final changes to the Fulton County zoning ordinance from August 1, 2025 to February 9, 2026.

On February 10, 2026, Respondent sent an email to Complainant indicating it had received the requests and would be working to comply with the request in accordance with applicable requirements.

Complainant sent an email on February 12, 2026 asking for a date and location to pick up the records and citation to Indiana Code if any of the requests were denied. Respondent replied the same date indicating it would contact her once all the records were compiled and instructed her to pick up the records at the Auditor's Office.

On February 13, 2026, Respondent provided an email update to Complainant stating it was continuing to work with the County Attorney and IT to complete the request. Complainant was informed that records were successfully retrieved from one phone, and that the records from the second phone would likely be available to retrieve within the next week or two due to a required system update. The email further explained Respondent was continuing to work on pulling the email records and remaining phone data. Complainant acknowledge the email the same day.

On March 2, 2026, County Attorney sent an email to Complainant indicating Respondent was still in the process of collecting the documents requested. Complainant acknowledge the email the same day.

On March 12th, March 21st, and March 24th, 2026, Complainant sent an email requesting an update. She only received a response to the March 24th email. Respondent responding indicating they were still collecting and reviewing the documents.

Complainant had not received any records as of the date she filed this complaint.

Respondent Failed To Produce Documents Within A Reasonable Time

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.*

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.

In its formal response Respondent describes the APRA request as “expansive and required coordinated efforts to ensure complete and thorough compliance. The request spanned two departments of the County – County Commissioners and the Area Plan Commission.”

Furthermore, Respondent notes the APRA request included “16 channels of communications over a 7-month timeframe using 24 search terms.” In total, over 1,708 emails with corresponding attachments and 174-page extract report of text messages were pulled for legal review to comply with the request. Once all the information was reviewed to make sure the search terms were thorough, to redact attorney-client privilege information, and to identify and redact any personnel information.

Respondent reports it emailed Complainant on May 11, 2026 notifying her the records regarding Heather Redinger were complete and had been sent to her via SecureSend.

On May 13, 2026, Respondent emailed Complainant and notified her that the records regarding Commissioner Sommers had been sent to her via SecureSend.

Given the breadth of the records request, the 7-month timespan the request encompassed, the multiple search terms required, the multiple channels of communication, and the numerous documents retrieved that required due diligence to review and redact, Respondent fulfilled the records request within a reasonable amount of time.

CONCLUSION

This office opines that Respondent did not violate APRA as alleged in the complaint.

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

Brittney A. Long
Public Access Counselor