STATE OF INDIANA
MIKE BRAUN, Governor

PUBLIC ACCESS COUNSELOR
BRITTNEY A. LONG
Statehouse Room 105
200 West Washington Street
Indianapolis, Indiana 46204-2745
Telephone: (317) 234-0906
Fax: (317) 233-3091
Toll Free:1-800-228-6013
Email: pac@opac.in.gov
Website: www.IN.gov/pac

October 22, 2026

Re: Complaint 26-FC-196
Lynn Plummer-Studebaker (Complainant) v.
Fulton County Area Plan Commission (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. No response has been received from Respondent.

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 24, 2026, Complainant hand delivered an APRA request to Respondent, requesting:

1) Complete file - as is that contains data center information;
2) A copy of all emails from Amy Roe email account from specified email address and text messages regarding any the following key terms:

a. Data Center, DC, threat(s), Decennial, ordinance, committee, 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, RQAW/DCCM and or RQAW, Prologis, Amazon Data Center, Akron, Orville Haney, David Pavlik.
b. Received from and/or sent to any of the following individuals: Tom Dakich, Scott Clay, Heather Redinger, Seth White, Dave Sommers. 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.

On February 25, 2026, Respondent sent an email to Complainant indicating it had received the requests and would be forwarding it to the Attorney for review and they would be working to comply with the request in accordance with applicable requirements.

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. Complainant responded to this email, which prompted the County Attorney to respond, informing Complainant it had only received the request submitted from February 9, 2026 and not the February 24, 2026 request.

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. In both the March 21st and March 24th emails Complainant requests an update on both the February 9th and February 24th APRA requests. Respondent responding indicating they were still collecting and reviewing the documents, but does not specify a specific APRA request.

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.

No formal response was received by Respondent. In a sister opinion, the attorney for the Fulton County Commissioners did provide a formal response laying out its process for fulfilling and delivering the records requested in the February 9th APRA request. The request was fulfilled on May 11th and May 13th of 2026. There is no mention of the February 25th APRA request in the Respondent's formal response for the sister opinion. *Opinion of the Public Access Counselor 26-FC-196.*

This office is uncertain as to whether the attorney who represented the Fulton County Commissioners also represents the Respondent in this matter.

Regardless, it has been 240 days since the initial APRA request and as far as this office is aware the request has not been completed, nor has a proper denial

been provided. It is the opinion of this office that 240 days to complete the request, which is less cumbersome than the February 9, 2026 request, is an unreasonable amount of time.

CONCLUSION

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

Brittney A. Long
Public Access Counselor