



STATE OF INDIANA

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October 22, 2026

Re: Complaint 26-FC-216

Stephen Fralish (Complainant) v.
City of Mishawaka (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on April 20, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on May 11, 2026, requesting a formal response by June 9, 2026. Respondent did not provide a formal response.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by not issuing a formal denial and by not citing any specific statutory exemption.

ANALYSIS

The public policy of APRA states that “[p]roviding persons with the 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).

Complainant filed an APRA request with Respondent on February 17, 2026¹. Per the Complainant, he requested: a copy of an agreement between the City and KLT Properties that was referenced in the February 14, 2017 City Planning

¹ The Access to Public Records Request filed with the complaint shows a date of February 17, 2016, but the attachment to the complaint is dated February 17, 2026. Therefore, this office is providing the opinion on the basis that the initial APRA request was made in 2026.

Department's Technical Staff Report.

Respondent did not acknowledge or respond to the request.

Failure to respond within 7 days

APRA states that if a person makes a request by phone or in person, the public entity needs to acknowledge the request within 24 hours. If a person submits the request by email, fax, or postal mail, the public entity has seven (7) days to acknowledge the request. If the request is not acknowledged within these timeframes, it is considered a constructive denial. IC 5-14-3-4.4(c)(1) & (2).

Complainant made his initial request on February 17, 2026, and did not receive a response. Accordingly, this office finds that Respondent violated APRA in failing to respond to, or comply with, Complainant's APRA request within 7 days.

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.

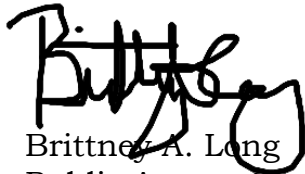
Opinion of the Public Access Counselor 25-FC-034.

Since no formal response was received by the Respondent, this office cannot assume facts that have not been presented.

It had been eighty-three (83) days from the date of the request to when Respondent was notified of this complaint and there had not been any response. It is now two hundred and forty-six (246) days since the complaint was made, and to this office's knowledge Complainant has not received any response or the requested records.

CONCLUSION

This office opines that Respondent did 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