



STATE OF INDIANA

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October 28, 2026

Re: Complaint 26-FC-244
Terry Farley (Complainant) v.
Town of Plainfield (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on May 4, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on May 13, 2026, requesting a formal response by June 11, 2026. A formal response, submitted by Ashley Ulbricht, attorney for Respondent, was received by this office on June 11, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) when it failed to fully comply with her request for records.

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 April 6, 2026. This request asked for:

- 1) *“Details of a complaint filed with the Development Office concerning Complainant’s property located on Weesner Drive, Plainfield, Indiana.*

- 2) *The date and time the complaint was made;*
- 3) *The complainant's name and contact information; and*
- 4) *Any records that were generated as a result of this complaint, including, but not limited to emails, direct messages, work orders/tickets generated in the Town of Plainfield's information systems, and any case notes or other work product pertaining to this issue..."*

On April 7, 2026, Respondent's attorney, on behalf of Respondent, emailed Complainant acknowledging the APRA request stating,

"Upon examining your request and having an opportunity to discuss this with the town, I would anticipate that I will have a complete response to your request with in the next two weeks. In the meantime, any communication regarding this matter should be with me."

On April 30, 2026, Complainant emailed Respondent's attorney asking for an update and stating she has not received the requested documents or a proper denial.

The same day, Respondent's attorney replied via email which included an attachment of "the documents responsive to your request." Complainant replied the same day informing Respondent the production was incomplete because it did not include "work orders, case notes, and any records generated subsequent to Mr. Jones' March 31 site visit." Complainant also gave a deadline for the production to be completed. Respondent's attorney reiterated to Complainant "I have produced to you all of the records that I have received from the town that respond to your request."

Reasonable Time

It is uncertain whether Complainant is complaining about the timeframe in which it took Respondent to supply the documents. If Complainant is bringing this issue, this office has continuously applied the same reasonable time analysis.

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 consistently 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.*

Seeing how the Respondent produced disclosable records to the Complainant within thirty (30) days, this office is of the opinion that it did not violate APRA.

Withholding of Additional Records

Complainant alleges Respondent did not provide a specific statutory exemption for withholding additional records that are referenced in the records produced by Respondent.

Respondent made Complainant aware that it produced “all public records relevant and responsive” to his request on April 30, 2026. Complainant contends there are more records to disclose.

APRA defines “public record” as,

“any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.”

IC 5-14-3-2(r).

Respondent argues that the email chain produced to Complainant is the entirety of responsive materials. The email chain references a “compliance group” being sent “this information” “for further investigation.” There is never any document or reference, in the documents produced to Complainant, to what was specifically provided to the “compliance group” or what the results were of the investigation. It is reasonable to believe the results of the investigation should have been communicated to the Respondent because the Respondent ultimately made a site visit to the Complainant.

Under Indiana Code 5-14-3-1, the “burden of proof for the nondisclosure of a public record” rests with the public agency. See *Opinion of the Public Access Counselor 15-FC-334*.

“This office has consistently interpreted this provision to require a public agency to cite a specific provision of Indiana Code as the grounds for nondisclosure. Any failure to cite code would therefore be improper.” Id.

Furthermore, APRA provides that when a request,

“is made in writing, by facsimile, or through enhanced access, ... a public agency may deny the request if:

- 1) The denial is in writing or by facsimile; and*
- 2) The denial includes:*
 - a. A statement of the specific exemption or exemptions authorizing the withholding of all or part of the public record; and*
 - b. The name and the title or position of the person responsible for the denial.”*

IC 5-14-3-9(d).

Therefore, if there was further communication that produced public records from the compliance group to the Respondent, those should have been disclosed to Complainant or Respondent should have made a proper denial specifying the exemption it was invoking in order to not release that material¹.

CONCLUSION

This office finds that Respondent may have violated APRA if it did not produce all responsive documents without citing an appropriate exemption. Further, Respondent did not violate APRA if it truly does not have any further responsive material to produce.



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¹ If Respondent should have properly provided a denial, then it should have certified the denial pursuant to IC 5-14-3-9(d).