



STATE OF INDIANA

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June 11, 2010

Ms. Angela Piazza
1599 Riverside Rd.
Niles, MI 49120

Re: Formal Complaint 10-FC-122; Alleged Violation of the Open Door Law by Carousel Family Services d/b/a Veritas Academy

Dear Ms. Piazza:

This advisory opinion is in response to your formal complaint alleging Carousel Family Services d/b/a Veritas Academy (the "Academy") violated the Open Door Law ("ODL"), I.C. § 5-14-1.5-1 *et seq.* The Academy's response to your complaint is enclosed for your review.

BACKGROUND

In your complaint, you allege that the Academy's board of trustees met in an executive session on May 11, 2010, at 5:30 p.m. In the meeting notice, the board did not provide a reason for the meeting. On May 12th, three members of the six member board met with the Academy's director of education and provided a letter stating that "the Executive Committee decided to place the Director on administrative leave pending further review...." You argue that this is evidence that action was taken at an executive session.

In response to your complaint, Andrew B. Murphy, attorney for the Academy, notes that the Academy is overseen by its board of trustee (the "Board"), which is a six-member governing body. The Board created an executive committee (the "Executive Committee"), which has four members who are also members of the Board. Mr. Murphy claims that the Board did not meet in executive session on May 11th; rather, that meeting was of the Executive Committee, and it was a properly-noticed public meeting. Consequently, he argues that neither the Board nor the Executive Committee took illegal action at an executive session because no executive session occurred.

ANALYSIS

The General Assembly enacted the ODL with the intent that the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. *See* I.C. § 5-14-1.5-1. Accordingly, except as provided in section 6.1 of the ODL, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them. I.C. § 5-14-1.5-3(a).

Mr. Murphy denies that the May 11th meeting was an executive session. He claims that it was noticed in accordance with the ODL and open to the public. If that is true, the Board did not violate the ODL by taking action(s) in an executive session because no executive session occurred. Moreover, if the meeting was not an executive session, neither the Board nor the Executive Committee was required to provide a reason for the meeting in the official notice. I.C. § 5-14-1.5-5.

CONCLUSION

For the foregoing reasons, it is my opinion that if no executive session occurred, the Board could not have violated the ODL as alleged.

Best regards,



Andrew J. Kossack
Public Access Counselor

Cc: Andrew B. Murphy