



# STATE OF INDIANA

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February 10, 2010

Mr. R. Michael Johnson  
408 W. Main St.  
Bloomfield, IN 47424

*Re: Formal Complaint 10-FC-16; Alleged Violation of the Access to Public Records Act by the Greene County Ambulance Service Board*

Dear Mr. Johnson:

This advisory opinion is in response to your formal complaint alleging the Greene County Ambulance Service Board ("Board") violated the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 *et seq.*, by failing to provide adequate public notice of a public meeting. The Board's response to your complaint is enclosed for your review.

## BACKGROUND

In your complaint, you allege that you made a verbal request during a public meeting that the Board inform you of "any and all public meetings of the Greene County Ambulance Board." You allege that a meeting was held "in the fall" for which you received no notice. You acknowledge, however, that the "only public notice that was given of the meeting was a notice posted at the Greene County Courthouse."

Attorney Marilyn Hartman responded to your complaint on behalf of the Board. Ms. Hartman states that notice of the Board's meetings are published in the *Greene County Daily World* and in the Greene County Courthouse's two notice boards. Ms. Hartman argues that the ODL does not require a public agency to give notice to any individual who requests notice. She maintains that all notices that were required by law to be posted were appropriately posted. Ms. Hartman further notes that you can obtain information regarding the Board's meetings by checking the notice boards in the Greene County Courthouse.

## ANALYSIS

It is the intent of the ODL that public agencies conduct business and take official action openly unless otherwise provided by statute in order that the people may be fully

informed. I.C. § 5-14-1.5-1. 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).

The ODL requires that public notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. I.C. § 5-14-1.5-5(a) (emphasis added). In addition to providing notice to any news media who by January 1 of the year have requested notice, the agency must post notice at the principal office of the agency or, if there is no office, at the building where the meeting will be held:

(b) Public notice shall be given by the governing body of a public agency by:

1. posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held; and
2. depositing in the United States mail with postage prepaid or by delivering notice to all news media which deliver by January 1 an annual written request for such notices for the next succeeding calendar year to the governing body of the public agency.

I.C. § 5-14-1.5-5(b). Other than to the extent above, Ms. Hartman is correct that the ODL does not require that public agencies notify individuals of meetings. Rather, the requirements of section 5 are intended to provide any individual who wants to attend a public agency's meeting with the ability to find out when and where such meeting will occur. As long as the Board complied with the requirements of section 5 of the ODL, it did not violate the ODL when it failed to provide you with notice of its meetings.

#### CONCLUSION

For the foregoing reasons, it is my opinion that the Board did not violate the ODL.

Best regards,



Andrew J. Kossack  
Public Access Counselor

cc: Marilyn A. Hartman, Hartman & Paddock, P.C.