



# STATE OF INDIANA

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November 5, 2014

Ms. Lori Caldwell  
811 E. 6<sup>th</sup> St.  
Hobart, IN 46342

*Re: Formal Complaint 14-FC-240; Alleged Violation of the Open Door Law by the Gary Police Civil Service Commission*

Dear Ms. Caldwell,

This advisory opinion is in response to your formal complaint alleging the Gary Police Civil Service Commission ("Commission") violated the Open Door Law (ODL), Ind. Code § 5-14-3-1 *et. seq.* The Commission has not responded to your complaint despite an invitation to do so on October 9, 2014. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on October 3, 2014.

## BACKGROUND

In 2013 pursuant to Ind. Code § 5-14-1.5-5(b)(2), the editor of your publication, the Chicago Post-Tribune, requested you be notified of all upcoming meetings. The Post-Tribune's Merrillville Office closed and so you asked that the notification be sent to your home instead. The Commission has not honored that request despite your frequent reminders to do so. You allege you are the only reporter who covers the Commission meetings.

## DISCUSSION

It is the intent of the Open Door Law (ODL) 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 Ind. Code § 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. See Ind. Code § 5-14-1.5-3(a).

Ind. Code § 5-14-1.5-5(b)(2) states:

The governing body of a public agency shall give public notice by delivering notice to all news media which deliver an annual written request for the notices not later than December 31 for the next succeeding calendar year to the governing body of the public agency. The governing body shall give notice by one (1) of the following methods, which shall be determined by the governing body:

(A) Depositing the notice in the United States mail with postage prepaid.

(B) Transmitting the notice by electronic mail, if the public agency has the capacity to transmit electronic mail.

(C) Transmitting the notice by facsimile (fax).

You state you made the request properly. If so, it does not appear the Commission has undertaken the proper steps of providing you notification. You are news media to which this statute is directed. If you have provided an alternate address or email, the Commission has not fulfilled its duty under the Open Door Law to send you notice of all meetings, including executive sessions. Nothing in section 5(b)(2) indicates the media recipient of notice must be located in a traditional brick-and-mortar newsroom. You are entitled that notice be sent to any reasonable address you provide.

### **CONCLUSION**

For the foregoing reasons, it is the Opinion of the Public Access Counselor the Gary Police Civil Service Commission violated the Open Door Law.

Regards,

A handwritten signature in black ink, appearing to read 'LHB', written in a cursive style.

Luke H. Britt  
Public Access Counselor