



STATE OF INDIANA

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March 4, 2016

Mr. Brenton Fender
8814 Bailey Way
Georgetown, Indiana 47122

Re: Formal Complaint 16-FC-20; Alleged Violation of the Open Door Law by the Town of Georgetown Town Council

Dear Mr. Fender:

This advisory opinion is in response to your formal complaint alleging the Town of Georgetown Town Council ("Council") violated the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 et. seq. As of the writing of this opinion, the Council has not responded to your complaint, despite an invitation by this office to do so on February 3, 2016. 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 February 3, 2016.

BACKGROUND

Your complaint dated January 4, 2016 alleges the Town of Georgetown Town Council violated the Open Door Law by improperly conducting a meeting without official notice.

On January 27, 2016, you stated the Council conducted an hour-long meeting regarding official town business. You allege three (3) members of the five (5) member council were present. You questioned the Council members about this meeting and they acknowledged one occurred, but deny the extent of this meeting.

ANALYSIS

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(a) states “[p]ublic 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 (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting.

Without benefit of a response from the Council, I cannot determine whether notice of the meeting was actually provided or if there is another statutory justification for the Council’s actions. Pursuant to Ind. Code § 5-14-5-7, a public agency shall cooperate with this Office in its investigation. Therefore, I am left to presume the facts contained in the complaint are true.

CONCLUSION

Based on the foregoing, it is the opinion of the Public Access Counselor the Town of Georgetown Town Council has violated the Open Door Law.

Regards,

A handwritten signature in black ink, appearing to read 'LHB', with a long horizontal flourish extending to the left.

Luke H. Britt
Public Access Counselor