



STATE OF INDIANA

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August 21, 2009

Terry Landgraf
4946 Indiana Beach
Monticello, Indiana 47960

*Re: Formal Complaint 09-FC-177; Alleged Violation of the Open Door Law
by the White County Board of Aviation Commissioners*

Dear Mr. Landgraf:

This advisory opinion is in response to your formal complaint alleging the White County Board of Aviation Commissioners ("Board") violated the Open Door Law ("ODL") (Ind. Code 5-14-1.5). A copy of the Board's response to the complaint is enclosed for your reference. It is my opinion the Board violated the ODL if it did not provide adequate notice of the July 15, 2009 meeting.

BACKGROUND

You allege the Board violated the Open Door Law by failing to indicate the time or location of the July 15, 2009 meeting on the meeting notice. You provide a copy of the meeting minutes or memoranda but not a copy of the notice. You filed the present complaint on August 5 (postmarked August 3).

My office sent a copy of the complaint to the Board and invited the Board to respond. To date my office has not received a response from the Board.

ANALYSIS

It is the intent of the ODL 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. I.C. § 5-14-1.5-1. Except as provided in section 6.1 of the Open Door Law, 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 notice for a meeting must include the date, time and place of the meeting. I.C. § 5-14-1.5-5(a). Here, you contend the notice for the July 15 meeting did not include

the time or location for the meeting. You do not, though, include a copy of the meeting notice. Instead, you have copied part of the meeting minutes or memoranda in your letter of complaint. If the Board did not include the time and location of the meeting in its meeting notice, the Board violated the ODL. Because I do not have a copy of the meeting notice, I cannot definitively say whether the notice was in compliance with the ODL.

CONCLUSION

For the foregoing reasons, it is my opinion the Board violated the ODL if it did not provide adequate notice of the July 15, 2009 meeting.

Best regards,



Heather Willis Neal
Public Access Counselor

Cc: Phil Gutwein, White County Board of Aviation Commissioners