



STATE OF INDIANA

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March 12, 2015

Charlene M. Marsh
4013 Lanam Ridge Road
Nashville, IN 47448

Re: Formal Complaint 15-FC-33; Alleged Violation of the Open Door Law by the Brown County Board of Zoning Appeals, Mr. David T. Woods

Dear Ms. Marsh,

This advisory opinion is in response to your formal complaint alleging the Brown County Board of Zoning violated the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 *et. seq.* Mr. David T. Woods has responded to your complaint. His response is enclosed for your review. 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 2, 2015.

BACKGROUND

Your complaint dated January 29, 2015 alleges a violation of the Open Door Law by the Brown County Board of Zoning Appeals ("BZA"). The complaint alleges the Board improperly denied access to a general meeting scheduled at 6:30 p.m., on January 28, 2015. You claim you arrived at 7:30 p.m., and found all doors to the County Office Building locked. You contend this served as a violation of the ODL.

Mr. Woods contacted the Indiana Public Access Counselor on February 27, 2015. Mr. Woods claims to have been unaware of the locked doors until he learned of this fact from your complaint. According to him, the Director of Technology confirmed the doors were locked by computer at 7:30 p.m.

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).

This very matter has been previously addressed in *Advisory Opinion 15-FC-50*, however, unlike the first complaint, the BZA has responded to this complaint. As I stated in that particular Opinion, if the doors were locked, a violation occurred. When a governing body holds a public meeting, the door should be unlocked throughout the duration of the meeting and not merely at the beginning regardless of when the meeting starts. The public may come and go as they please, provided they do not cause a disruption to the meeting.

The Brown County BZA, the Planning Commission and the Building Department should be mindful of these considerations and ensure proper access for future meetings.

Regards,

A handwritten signature in black ink, appearing to be 'LHB', written in a cursive, stylized manner.

Luke H. Britt
Public Access Counselor

Cc: Mr. David T. Woods