

March 12, 2007

*Sent Via Facsimile*

J. Lee Robbins  
905 Southview Drive  
Indianapolis, IN 46227

*Re: Formal Complaint 07-FC-32; Alleged Violation of the Open Door Law by the  
Perry Township Board of Education*

Dear Mr. Robbins:

This is in response to your formal complaint alleging that the Perry Township Board of Education ("Board") violated the Open Door Law by holding a meeting in a place that does not accommodate the members of the public who wish to attend. I find that you do not have standing to file a formal complaint alleging a denial of access to a meeting that had not occurred at the time you filed your formal complaint

#### BACKGROUND

You alleged at the time that you filed your complaint, February 8, 2007, that the Board changed the place of its upcoming meeting of February 12. The meeting of February 12 was to be held in a smaller venue, the Board room. This change occurred after the Board had held several of its recent meetings in the auditorium at Southport High School. The auditorium accommodates over 1,000 people. The Board room can accommodate only 115.

I sent a copy of your formal complaint to the Board. Mr. Jon M. Bailey of Bose, McKinney & Evans filed a response.

## ANALYSIS

A person or public agency denied the right to attend any public meeting of a public agency in violation of Indiana Code 5-14-1.5 or any other right conferred by Indiana Code 5-14-3 or Indiana Code 5-14-1.5 or any other state statute or rule governing access to public meetings or public records may file a formal complaint with the public access counselor. IC 5-14-5-6. You alleged on February 8 that the Board would hold the February 12 meeting in a room that is inadequate to accommodate the number of attendees who have recently attended the meetings. Even if your allegations are true, I cannot issue an advisory opinion because you do not have standing to challenge a denial of your right to attend a meeting that had not yet occurred at the time you filed your complaint. However, I can issue an informal inquiry response under IC 5-14-4-10(5) regarding your allegations. The reader may find the informal inquiry response at [www.in.gov/pac/informal](http://www.in.gov/pac/informal). I have attached the informal inquiry response to your copy of this Opinion.

## CONCLUSION

For the foregoing reasons, I find that you do not have standing to file a formal complaint alleging a denial of access to a meeting that had not occurred at the time you filed your formal complaint.

Sincerely,

Karen Davis  
Public Access Counselor

cc: Jon M. Bailey