



STATE OF INDIANA

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March 31, 2011

Mr. Manuel Montalvo
5612 Wegg Avenue
East Chicago, IN 46312

*Re: Formal Complaint 11-FC-78; Alleged Violation of the Open Door
Law by the School City of East Chicago*

Dear Mr. Montalvo:

This is in response to your formal complaint alleging the School City of East Chicago ("School") violated the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 *et seq.*

In her response to your complaint, the School's attorney, Marsha Volk Bugalla, states that you currently have a lawsuit pending in Lake County against the School regarding the same allegations contained in the complaint you filed with our office. Under Ind. Code § 5-14-4-10(6), "the [public access] counselor may not issue an advisory opinion concerning a specific matter with respect to which a lawsuit has been filed under IC 5-14-1.5 or 5-14-3." Consequently, I cannot issue an advisory opinion in response to your complaint.

If you can show that the allegations in your complaint are separate and distinct from those implicated in your pending lawsuit, I will be happy to address them in an advisory opinion. At this time, however, I cannot issue an advisory opinion regarding your complaint because doing so would put this office in violation of Ind. Code § 5-14-4-10(6).

Best regards,

Andrew J. Kossack
Public Access Counselor

Cc: Marsha Volk Bugalla