



STATE OF INDIANA

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April 28, 2014

Mr. William Madden
673 E. Lakeside Drive
Monticello, IN 47960

Re: Formal Complaint 14-FC-58; Alleged Violation of the Open Door Law by the White County Tourism Authority

Dear Mr. Madden,

This advisory opinion is in response to your formal complaint alleging the White County Tourism Authority ("Authority") violated the Open Door Law (ODL), Ind. Code § 5-14-3-1 *et. seq.* The Authority has responded via Mr. George W. Loy, Esq, Attorney for the Authority. His response is attached 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 March 26, 2014.

BACKGROUND

Your complaint dated March 26, 2014, alleges the White County Tourism Authority violated the Open Door Law by taking a secret vote.

On February 10, 2014, the White County Tourism Authority met during a public meeting in the usual course of agency business. The minutes provided to you indicated the Lake Shafer Wedding Planners submitted a request for funding for a trade show at the Tippecanoe County Club. The minutes reflect the request was denied. The evidence suggests you may not have been at the meeting and your information comes second-hand from individuals who were in attendance.

The Authority has responded and contends that in actuality, the request for funding never made it to a vote because a motion did not carry. Therefore, no secret vote took place, as the request failed for lack of a motion.

DISCUSSION

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).

A secret ballot of a vote may not be taken at a public meeting according to Ind. Code § 5-14-1.5-3(b). I do not have any indication before me to suggest a secret vote took place to deny the funding; only that funding was denied for lack of a motion. The Minutes appear to accurately reflect other votes in a roll call fashion.

The Office of the Public Access Counselor does not dictate how meetings are conducted other than they should be open for the public to observe and record. I do not opine on matters such as parliamentary procedures and meeting protocols. That being said, it may be helpful to the public to explain in the minutes that a certain initiative may have failed because a motion did not carry. This would conceivably eliminate any ambiguity. Nonetheless, it is at the public agency's discretion how minutes are transcribed.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the White County Tourism Authority did not violate the Open Door Law.

Regards,

A handwritten signature in black ink, appearing to read 'LHB', written in a cursive style.

Luke H. Britt
Public Access Counselor

Cc: Mr. George W. Loy, Esq.