

STATE OF INDIANA

ERIC J. HOLCOMB, Governor

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OPINION OF THE PUBLIC ACCESS COUNSELOR

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ADVISORY OPINION March 26, 2017

This advisory opinion is in response to your formal complaint alleging the LaPorte County Board of Commissioners ("Commissioners") violated the Open Door Law ("ODL"), Indiana Code § 5-14-1.5-1 et. seq. The Commissioners have responded via Mr. Douglas L. Biege, Esq. His response is enclosed for review. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on February 7, 2017.

BACKGROUND

The formal complaint alleges the Delaware County Board of Commissioners violated the ODL by holding a private meeting and denied the Complainant access.

On February 1, 2017, the Complainant was allegedly denied access to a 'private' meeting of the Commissioners. She states permits were subsequently issued as a result of the private meeting.

The Commissioners responded by conceding a meeting was held in private on February 1, 2017; however, there was not a majority of any governing body present to constitute an Open Door Law regulated meeting.



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ANALYSIS

It is the intent of the Open Door Law ("ODL") that 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 Indiana Code § 5-14-1.5-1. Section 6.1 provides an exception, allowing public agencies to conduct executive sessions which are closed to the public in order to discuss strategies with respect to certain specified topics.

Based on the information provided, it does not appear as if the Commissioners actually met, but rather one Commissioner met with other public employees to discuss the administrative oversight of the permit issue. The Open Door Law does not address every meeting of every department, staff or gathering, but only those meetings conducted by a majority of a governing body. The gathering referenced in the complaint was not of a majority of a governing body.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the LaPorte County Board of Commissioners did not violate the Open Door Law.

Luke H. Britt

Public Access Counselor

Cc: Mr. Douglas L Biege, Esq.