



# STATE OF INDIANA

**MIKE BRAUN, Governor**

**PUBLIC ACCESS COUNSELOR  
JENNIFER RUBY**

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317) 234-0906  
Email: [pac@opac.in.gov](mailto:pac@opac.in.gov)  
Website: [www.IN.gov/pac](http://www.IN.gov/pac)

February 19, 2026

Re: Complaint 25-FC-044  
Jason Downin (Complainant) v.  
Winslow Town Council (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on January 30, 2025, as corrected on October 12, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on November 14, 2025, requesting a formal response by December 16, 2025. A formal response, submitted by Attorney Grant Swartzentruber on behalf of Respondent, was received in this office on December 23, 2025.

The complaint alleges that Respondent violated the Open Door Law (ODL) when a majority of its members attended a church meeting.

## **ANALYSIS**

The Open Door Law (ODL) requires public agencies to conduct and take official actions openly, unless otherwise expressly provided by statute, so the people may be fully informed. Indiana Code (IC) 5-14-1.5-1. As a result, the ODL requires all meetings of the governing bodies of public agencies to be open at all times to allow members of the public to observe and record the proceedings. IC 5-14-1.5-3(a).

Complainant alleges that a majority of Respondent's members attended a church gathering and violated the ODL. The meeting was a gathering of church members to discuss the church's vision for Winslow. Complainant states that the discussion also included Town business.

APRA defines a meeting as a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business. While it appears that the first component of a "public meeting" was met with having a majority of the governing body, it is the intent of the meeting that becomes determinative.

The definition of meeting requires the intent to take official action on public business. Official action is defined as:

- (1) receive information;
- (2) deliberate;
- (3) make recommendations;
- (4) establish policy;
- (5) make decisions; or
- (6) take final action.

IC 5-14-1.5-2(d).

While the discussion at the church meeting may have incorporated some of the components within the definition of “Official Action” it failed to meet the definition of public business. IC 5-14-1.5-2(e) states that:

*“Public business” means any function upon which the public agency is empowered or authorized to take official action.*

Public business does not include the discussion of church related mission or vision.

While similar information to official business may have been discussed that pertained to the Town’s future, as provided in the complaint, it was not discussed for official action by the governing body, but was discussed as members of the church.

Additionally, the definition of meeting does not include any social or chance gathering of the majority of the governing body not intended to avoid ODL. IC 5-14-1.5-2(c)(1). Nothing restricts the members of the governing body from attending the same church or discussing issues as members of the church. However, the phrase “not intended to avoid ODL” is important in that a “social or chance gathering” must not be used to circumvent ODL.

Respondent, through Attorney Swartzentruber, stated that after reviewing the recordings the council members it did not “appear that they were acting in their official capacity or discussing any Town business.” Respondent concluded that the Town Council members should be able to attend church gatherings and meetings without violating the definition of a public meeting.

## **CONCLUSION**

This office finds that the Respondent did not violate ODL when its members attended and participated in church related meetings.



Jennifer G. Ruby  
Public Access Counselor