



STATE OF INDIANA

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Re: Complaint 25-FC-088
Stanley Stefanski (Complainant) v.
Highland Parks Department (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on April 24, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 23, 2025, requesting a formal response by November 21, 2025. A formal response, submitted by Recreation Director Alyce Van Drunen on behalf of Respondent, was received in this office on November 20, 2025.

The complaint alleges that Respondent violated the Open Door Law (ODL) by failing to open a proposal for event services at a public meeting.

ANALYSIS

ODL requires public agencies to conduct and take official action openly, unless otherwise expressly provided by statute, so 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).

The Complainant alleges that Respondent violated the ODL when it failed to open a sealed proposal at a public meeting. Both parties acknowledge that the award of the contract was made at a public meeting and approved by the appropriate governing body.

The proposal for an operator of the beer garden festival was submitted to the Highland Council of Community Events (HCCE) and opened by staff of the HCCE for the purpose of making a recommendation to the Highland Parks Board. The HCCE meeting, where the recommendation was approved for submission to the Highland Parks Board, was noticed under the ODL and open to the public.

Respondent stated that the request for proposals by the governing body was not a request for bids under the public bidding laws but was a request for proposals under the same statutory provisions. Respondent contends that the sealed proposals were not required to be opened at a public meeting since the process did not invoke the formal public bidding procedures.

This office discussed the process of public bidding versus public proposal with the office of the State Board of Accounts (SBOA). The SBOA representative confirmed that under the public proposal provisions the HCCE would not have been required to open the bids at a public meeting. The same representative confirmed that choosing the proposal and awarding the contract would have been required to take place at a duly noticed and open meeting of the awarding body. We concur.

CONCLUSION

This office finds that Respondent did not violate the ODL because the process did not invoke formal public bidding procedures, which did not require opening proposals publicly, and the awarding of the contract took place at a properly noticed open meeting.



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