



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
Website: www.IN.gov/pac

March 20, 2026

Re: Complaint 25-FC-162
Bryan Jones (Complainant) v.
Odon Volunteer Fire Department (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed July 28, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 29, 2025, requesting a formal response by December 1, 2025. A formal response, submitted by Hannah Russell of Hart Bell LLC on behalf of Respondent, was received in this office on December 1, 2025.

The complaint alleges that Respondent violated the Open Door Law (ODL) by failing to provide notice and meeting minutes or memoranda for the meeting that took place on July 7, 2025, as well as the attendance of two (2) of three (3) Town of Odon Council members at that meeting. The complaint also alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of records from the meeting held by Respondent.

ANALYSIS

Respondent acknowledged that it has operated as a department of the Town of Odon (Odon) for many years, rather than a separate public agency subject to ODL or APRA. It is unclear from the record whether the meeting held on July 7, 2025, was an executive session of the Respondent, as referenced in the response, or a Board of Review meeting as referenced in the Odon Council minutes of July 14, 2025.

Respondent acknowledges that the meeting of July 7, 2025, fell within the ODL. We conclude that Respondent is subject to both APRA and ODL.

ODL

Our General Assembly has expressly declared that the ODL “shall be liberally construed” in favor of transparency. Indiana Code (IC) 5-14-1.5-1. The courts have recognized this tenet as well and called for exceptions to be narrowly and conservatively construed. *Robinson v. Indiana University*, 659 N.E.2d 153, 156 (Ind. Ct. App. 1995).

ODL requires public agencies to conduct and take official action openly, unless otherwise expressly provided by statute, so the people may be fully informed. 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).

A public agency may invoke an exception to the requirement of holding a public meeting by holding an executive session. IC 5-14-1.5-6.1. An executive session is limited to very specific exceptions as enumerated in the statute

The ODL is specific when it comes to personnel matters, which limits the number of issues a governing body may discuss in executive session. Those are: (1) receiving information about and interviewing prospective employees; (2) receiving information about alleged misconduct; and (3) discussing job performance of individual employees. No final decisions should be made during an executive session.

APRA requires that public notice be given for executive sessions and the notice must include the specific statutory reason for the executive session. IC 5-14-1.5-6.1(d). Respondent acknowledges that it violated the ODL when it failed to post notice of the meeting at all.

Respondent acknowledged its violation of the ODL and notes corrective action is being taken to improve compliance in the future.

Complainant also alleges violation of the ODL where two (2) members of the Odon Council were present at the July 7, 2025, special meeting. Odon has a three (3) member Council. Respondent acknowledges that two (2) members were present at the meeting in question but argues that they were not attending in their capacity as Council members nor did they participate in the final decision. We reject this argument.

The ODL provides that a public meeting is any gathering of the majority of the governing body of a public agency for the purpose of taking official action upon public business. IC 5-14-1.5-2(c). Under the same "meeting" definition, none of the exceptions listed apply. The two (2) members present constituted a majority.

Official action is defined as, among other things, receiving information. IC 5-14-1.5-2 (d). Council members received information regarding the charges and the outcome of the Respondents decision. There is no question that the meeting was called to discuss and act upon the public business of an employee's actions.
Opinion of the Public Access Counselor 25-FC-087.

APRA

The public policy of APRA states that "[p]roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the

information.” IC 5-14-3-1. Respondent is a public agency for purposes of APRA; and therefore, subject to the requirements. IC 5-14-3-2(q). As a result, unless an exception applies, any person has the right to inspect and copy Respondent’s public records during regular business hours. IC 5-14-3-3(a).

Complainant sought to obtain a copy of the minutes of a special meeting held by Respondent on July 7, 2025, as well as a copy of disciplinary charges that were levied against a member of the Fire Department. Action was taken at the meeting to discharge a member of the fire department.

Complainant requested copies of the charges levied against the discharged employee and minutes of the July 7, 2025, meeting. He was informed that there were no written charges of record nor were there minutes of the meeting since the Clerk-Treasurer did not attend. It is unclear from the record whether this was an executive session of the Respondent, as referenced in the response, or a Board of Review meeting as referenced in the Odon Council minutes of July 14, 2025. Either way, minutes of the meeting or a memorandum of the executive session should have been prepared and maintained. The denial based on the records not being in existence is usually valid. However, in this instance, contrary to the provisions of APRA, as the records requested were documents that should have been prepared and retained as public records, specifically a memorandum of the topic(s) discussed at the executive session and certification that noticed topic(s) was/were the only topic(s) discussed and no others. IC 5-14-1.5-6.1(d). No such memorandum was prepared.

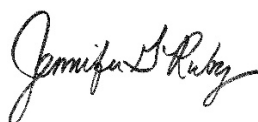
Respondent acknowledged in its response that it had violated APRA for not producing the copies as requested. Respondent provided the responsive records to Complainant on or after August 1, 2025.

Respondent stated that it is working with the parties, Respondent and Odon, to coordinate responses to APRA requests and revise the Respondent’s bylaws.

CONCLUSION

This office finds that Respondent violated ODL by failing to properly notice Respondent’s July 7, 2025, meeting, prepare a memorandum, and notice the meeting of the council members. This office also finds that Respondent violated APRA by failing to provide the records as requested.

However, this office also acknowledges the corrective action of Respondent in order to avoid future violations.



Jennifer G. Ruby
Public Access Counselor