



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-163
Pamela Keyser (Complainant) v.
Elkhart County Council (Respondent)

This advisory opinion is in response to the above-referenced complaint filed on July 29, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 22, 2025. The Notice of Complaint requested a formal reply to the complaint by the Respondent by November 20, 2025. Respondent submitted its response by Attorney Steven Olsen of Yoder Ainlay Ulmer & Buckingham on November 13, 2025.

The complaint alleges that Respondent violated the Open Door Law (ODL) by failing to properly notice an executive session.

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).

APRA provides that a public agency may hold an executive session in a very limited set of circumstances. IC 5-14-1.5-6.1. One such allowable exception is where the meeting is authorized by federal or state statute. IC 5-14-1.5-6.1(b)(1).

Complainant acknowledges that Respondent held an executive session on June 19, 2025. However, Complainant alleges that the Respondent did not give adequate notice of the meeting either by posting or notice to the media. Complainant also alleges that Respondent cited a statutory exception for the executive session that was not applicable to the purpose for which it was held. I disagree.

Respondent provided copies of the notice and an affidavit of the County Auditor (Affidavit) testifying to the process that took place. The response stated and

supported with evidence that the notice was posted on all three entry doors and properly distributed to the news media. Notice was posted at 4:15 on June 17, 2025, according to the Affidavit, announcing that the executive session would take place immediately after the County Council (Council) meeting scheduled for 4:00. Our understanding is that the Executive Session convened after the Council Meeting at approximately 5:53pm. Notice was emailed to the media at 4:12 pm on June 17, 2025. 4:12pm and 4:15pm on June 17, 2025, are each more than 48 hours before 5:53pm on June 19, 2025, and in compliance with the notice requirements under ODL.

Complainant further takes exception to the stated purpose of the executive session. The purpose identified in the notice was “to discuss records classified as confidential by state or federal statute pursuant to Indiana Code 5-14-1.5-6.1(b)(7)”. Respondent has cited IC 34-46-3-1 and IC 33-43-1-3(5), in existence at the time of the meeting, as well as Trial Rule 26(B)(1), which protected communications with an attorney subject to the attorney-client privilege. Effective July 1, 2025, executive sessions now include the following specific exception: “to have communications with an attorney that are subject to the attorney-client privilege.” IC 5-14-1.5-6.1(b)(19).

Finally, the cancellation of the finance meetings for the remainder of the year, reportedly the topic of discussions with the County Attorney in the executive session, was alleged to have been a final action taken at the executive session, with no subsequent public vote being made by the Council. Respondent stated in its response that no final action was taken at the executive session and that a public meeting and vote were not required. Respondent stated that the Council President unilaterally and administratively is able to schedule meetings. Therefore, no vote by the Council was required to cancel the finance meetings. The Affidavit of Brandy Chupp states at 8:

On or after June 20, 2025, Tom Stump, as fiscal body President, notified the Elkhart County Auditor’s office that he desired to cancel the remaining County Council Finance Meetings scheduled for 2025.

Then on July 1, 2025, the Notice of this cancellation was posted on all three (3) entry doors and emailed to the news media.

CONCLUSION

This office finds that the Respondent did not violate ODL as provided in the complaint.



Jennifer G. Ruby
Public Access Counselor