



STATE OF INDIANA

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March 30, 2026

Re: Complaint 25-FC-199
Stuart Summers (Complainant) v.
Valparaiso Lakes Area Conservancy District (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on September 3, 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 Attorney Charles Parkinson of Harris Welsh & Lukmann Attorneys at Law 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 post notice of a special meeting of its Board of Directors.

ANALYSIS

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 and Respondent acknowledge that Respondent held a special meeting of the Board of Directors on September 2, 2025. The reason for the meeting was to approve a local law firm as counsel for Respondent. Complainant was present at the meeting as evidenced by the sign in log.

The ODL provides that public notice shall be given by the governing body of a public agency by posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held. IC 5-14-1.5-5(b)(1). The notice shall provide the date, time and place of the meeting, executive session or any rescheduled

meeting at least forty-eight (48) hours in advance of the meeting (excluding Saturdays, Sundays and legal holidays). IC 5-14-1.5-5(a).

Complainant provided a video recording of the front of the building recorded on August 31, 2025, that showed the absence of a notice for the September 2, 2025, meeting. Respondent acknowledges that the failure to post notice was an oversight owing in part to the intervening Labor Day holiday.

Because of the holiday weekend, a three (3) day weekend, ODL would have required the notice be posted prior to 5:30pm on August 28, 2025, to comply with the forty-eight (48) hour requirement.

Further, Respondent states that the failure to post notice was not intentional and not intended to avoid its obligations under ODL. Because of this oversight, the Board voted at the November 19, 2025, regularly scheduled and properly noticed public meeting to reauthorize and ratify the actions taken at that meeting, including the employment of the law firm and any actions taken by the law firm on its behalf. Respondent states it is committed to complying with the ODL.

CONCLUSION

This office finds that the Respondent violated ODL as alleged in the complaint by failing to post notice of the meeting.



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