



# STATE OF INDIANA

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June 9, 2026

Re: Complaint 25-FC-260  
Jody Slabaugh (Complainant) v.  
LaPorte County Board of Commissioners (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on October 7, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on November 3, 2025, requesting a formal response by December 4, 2025. A formal response, submitted by Attorney Guy DiMartino of Guy S. DiMartino, PC on behalf of Respondent, was received in this office on November 13, 2025.

The complaint alleges that Respondent violated the Open Door Law (ODL) when a majority of its members met for lunch and potentially discussed official business and violated the Access to Public Records Act (APRA) by failing to provide the records as requested.

## **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 alleges that a majority, two (2) of three, of the LaPorte County Commissioners violated the ODL by having lunch on September 11, 2025 at a local diner with a group of County employees and officials. The complaint characterized the meeting as taking place in a back room of the diner separate from other diners.

ODL 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. IC

5-14-1.5-2(c). While it appears that the first component of a “public meeting” was met by 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 as defined in the ODL means to:

- (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).

The definition of public business means any function upon which the public agency is empowered or authorized to take official action. IC 5-14-1.5-2(e).

The definition of public meeting does not include any social or chance gathering not intended to avoid these provisions. IC 5-14-1.5-2(c)(1).

Nothing in the ODL prohibits a majority of the governing body from meeting for lunch or attending social events, unless that meeting turns into a discussion of public business where the components of official action might intersect.

Here the appearance of a private meeting may give way to concern about a violation of the ODL, yet without confirmation that official action was taking place, it is not a violation.

According to Respondents formal response and a statement by one of the attendees to the lunch, no one arranged the lunch beforehand. The gathering consisted of three (3) different groups of individuals ultimately meeting each other at the diner. The meeting appears to be a chance gathering under the statute.

Respondent stated that no official action on public business took place and that it was not an attempt to circumvent the meeting provisions. The facts presented do not meet the definition of a meeting, but do support a chance gathering under ODL.

Complainant also requested under APRA copies of:

- 1) Any records (including emails, meeting notices or memoranda) reflecting meetings, communications or discussions between any two or more LaPorte County Commissioners

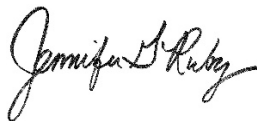
- 2) Copies of all text messages sent or received on county-issued mobile phones by either Commissioner present at the meeting, during September 10 or 11, 2025 that relate in any way to county business, contracts, vendors, or board matters.
- 3) Any calendar entries or official notes showing meetings or gatherings involving the Commissioners and local county vendors on the above specified dates explaining how they established a quorum at the diner today with others in attendance.

Respondent stated that a search was conducted for the requested records and that no responsive records were found. Although Complainant's request may not have been reasonably particular, the request for records alluded to efforts to organize a meeting of the individuals for lunch. It follows that if the lunch was an impromptu, chance meeting that such records would not exist. This office has opined on many occasions that a public agency does not violate APRA for denying a records request because the records do not exist. *Opinion of the Public Access Counselor 25-FC-112*, citing numerous prior holdings.

Background on the reasonable particularity required for a search may be found in *Opinion of the Office of Public Access Counselor 25-FC-167*.

## **CONCLUSION**

This office finds that Respondent did not violate ODL when a quorum of its members had lunch with others as a chance meeting. This office also finds that Respondent did not violate APRA when it failed to produce records that did not exist.



Jennifer G. Ruby  
Public Access Counselor