



STATE OF INDIANA

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September 11, 2026

Re: Complaint 26-FC-082
James R. Ward (Complainant) v.
Scott County Sheriff's Office (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on February 23, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on April 30, 2026, requesting a formal response by May 26, 2026. A formal response, submitted by Attorney Craig M. McKee of Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP on behalf of Respondent, was received in this office on May 20, 2026.

The complaint alleges that Respondent violated the Open Door Law (ODL) by holding an executive session without articulating a statutory basis for that session in the notice and by taking action when final action must occur during an open meeting.

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, 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). Respondent is a public agency for purposes of ODL, and therefore, subject to the requirements. IC 5-14-1.5-2(a)(1). As a result, unless an exception applies, all meetings of Respondent should be posted by notice and open to the public.

Complainant alleges that Respondent held an executive session, with the notice omitting a statutory basis for that executive session and took action when final action must occur during an open meeting.

ODL provides, in relevant part:

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive

sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

IC 5-14-1.5-6.1.

ODL provides, in relevant part:

- (d) "Official action" means to:
- (1) receive information;
 - (2) deliberate;
 - (3) make recommendations;
 - (4) establish policy;
 - (5) make decisions; or
 - (6) take final action.

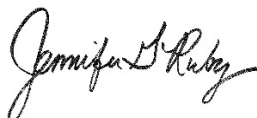
IC 5-14-1.5-2(d). The Indiana Court of Appeals has held that "the Open Door Law does not prohibit Middlebury from receiving information, making recommendations, establishing policy, and making decisions in executive session." *See I.C. § 5-14-1.5-2(d).*" *Baker v. Town of Middlebury*, 753 N.E.2d 67, 71 (Ind. Ct. App. 2001). Under *Baker* and ODL, public agencies are entitled to take many official actions in executive session, but final action is specifically excluded.

Respondent admitted the violations in its formal response and explained the actions it has taken to acknowledge the ODL violations, ratify the work from the executive session, and avoid these circumstances in the future.

There is no dispute that Respondent violated the Open Door Law (ODL) by holding an executive session without articulating a statutory basis for that session in the notice and by taking action when final action must occur during an open meeting.

CONCLUSION

This office finds that the Respondent violated ODL as alleged in the complaint.



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