



STATE OF INDIANA

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May 10, 2016

Mr. Monty Wright
290 Butterfly Lane
Bedford, Indiana 47421

Re: Formal Complaint 16-FC-74; Alleged Violation of the Open Door Law by the Indian Creek Township Trustee

Dear Mr. Wright:

This advisory opinion is in response to your formal complaint alleging the Indian Creek Township Trustee ("Trustee"), Mr. Kyle Wright violated the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 et. seq. The Trustee has responded to your complaint via counsel, Mr. Stephen Buschmann, Esq. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on March 31, 2016.

BACKGROUND

Your complaint dated March 31, 2016 alleges the Indian Creek Township Trustee violated the Open Door Law by conducting a meeting inaccessible to the public.

On March 31, 2016, the Trustee conducted a meeting of his advisory board at his private residence.

On April 6, 2016 counsel responded. Counsel asserts the meeting was proper, because it was authorized under Ind. Code § 36-6-8-3(a). Counsel also asserts the meeting was proper because notice to the original meeting was posted.

ANALYSIS

It is the intent of the Open Door Law ("ODL") the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. *See Ind. Code § 5-14-1.5-1*. Accordingly, except as provided in section 6.1 of the ODL, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them. *See Ind. Code § 5-14-1.5-3(a)*.

“Public business” means “any function upon which the public agency is empowered or authorized to take official action.” Ind. Code § 5-14-1.5-2(e). “Official action” is very broadly defined by our state legislature to include everything from merely “receiving information” and “deliberating” (defined by Indiana Code 5-14-1.5-2(i) as discussing), to making recommendations, establishing policy, making decisions, or taking a vote. Ind. Code § 5-14-1.5-2(d).

A majority of a governing body which gathers together for any one or more of these purposes is required to post notice of the date, time and place of its meetings at least forty-eight (48) hours in advance of the meeting, not including weekends or holidays. Ind. Code § 5-14-1.5-5(a).

This office does not dispute the Trustee may use the office in his personal residence to conduct public meetings pursuant to Ind. Code § 36-6-8-3(a). However, if the Trustee is to use his personal office for public meetings, he must be prepared to welcome the public into his home to observe and record the meeting. Further, while moving a meeting to another location is permissible under the Open Door Law, notice of this change must be provided (48) forty-eight hours in advance of the meeting. Based upon the information provided, it appears as if this was done.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Indiana Creek Township Trustee, Lawrence County did not violate the Open Door Law.

Regards,

A handwritten signature in black ink, appearing to read 'L. H. Britt', with a long, sweeping underline.

Luke H. Britt
Public Access Counselor

Cc: Mr. Stephen Buschmann, Esq.