



STATE OF INDIANA

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November 18, 2025

Re: Complaint 25-FC-087
Kevin Kaplan (Complainant) v.
City of Seymour (Respondent)

This advisory opinion is in response to the above-referenced complaint dated April 19, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 22, 2025, requesting a formal response by November 20, 2025. A formal response, submitted by Mayor Matthew Nicholson on behalf of Respondent, was received in this office on October 29, 2025.

The complaint alleges that the Respondent violated the Open Door Law (ODL) when the City Attorney and Mayor instructed a City Council member that he was not permitted to attend a committee meeting on April 14, 2025, where he is not a member because his presence would result in a quorum of the City Council.

ANALYSIS

The Open Door Law (ODL) requires public agencies to conduct and take official action openly, unless otherwise provided by statute, so the public may be fully informed. 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).

Under the ODL, "meeting" means "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). "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 complaint stated that the Respondent through the City Attorney directed the Complainant to not attend a Respondent's committee meeting in order to

avoid a quorum of the City Council members being present and thereby resulting in an ODL violation and a complaint or lawsuit.

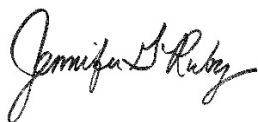
Respondent submitted its formal response which stated that the Mayor appoints three (3) City Council members of the seven (7) member City Council to each of Respondent's committees. Respondent states that the presence of the fourth City Council member at one of these committee meetings could result in a violation of ODL. This office agrees.

The Public Access Counselor (PAC) has addressed this issue in Opinion 21-FC-115, *Andy Cook v Westfield Common Council*. The opinion found that the committee would violate the ODL, if a quorum of council members were present at a meeting of the committee unless 1) there had been posted a notice for a dual meeting of the governing body and committee, 2) there was a statutory exception based upon the nature of the meeting to allow the quorum being present or 3) it was a chance meeting of the members. No notice was posted and neither the Complainant nor the Respondent raised a qualifying exception to the general rule. The Respondent stated in its formal response that the fourth member joining the committee room could not be a chance meeting of the members of the council, when each council member knows that three (3) council members were sitting as members of the committee. This office agrees.

On April 14, 2025, given that each committee has three (3) City Council members sitting as committee members, the presence of a fourth council member constituted a quorum of the City Council and separate notice of the meeting as a meeting of the city council would be required. Even when the fourth member does not have a committee vote, all four (4) members of the City Council would be receiving information, which constitutes an official action under IC 5-14-1.5-2(d).

CONCLUSION

This office finds that the Respondent did not violate the Open Door Law by instructing its City Council members to refrain from attending committee meetings, where they are not a member of that committee.



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