



STATE OF INDIANA

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December 26, 2025

Re: Complaint 25-FC-247
Allison Underhill (Complainant) v.
Town of Winslow (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on September 19, 2025. Virtually identical complaints were filed under 25-FC-248, 25-FC-252, 25-FC-259, 25-FC-277, 25-FC-311 to 312, and 25-FC-315 to 318.

Notices of Complaint, along with a copy of the complaint, were sent to the Respondent on October 24 and 28, 2025. The Notice of Complaint requested a formal reply to the complaint by the Respondent by November 24 and 26, 2025 respectively. Formal responses, submitted by Joni Stafford, President of the Town Council on behalf of Respondent, were received by this office on November 24, 2025.

The complaint alleges that Respondent violated the Open Door Law (ODL) by failing to properly post notice of an executive session and by taking final action on employee discipline without a public meeting.

ANALYSIS

The complaint states that the Town Council held an executive session on September 2, 2025, and failed to state the reason for the meeting by citing the applicable code and failed to post the meeting notice on Facebook.

Complainant further alleges a violation of the ODL by suspending an employee without taking a final action at a public meeting. The employee was suspended for one (1) day shortly after the executive session and before a vote in an open meeting by the Town Council some nine (9) days after the suspension.

The Open Door Law (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).

An exception to the open public meeting is an executive session for limited and defined purposes. IC 5-14-1.5-6.1. Under the ODL “executive session” means a “meeting from which the public is excluded, except the governing body may admit those persons necessary to carry out its purpose”. The ODL authorizes executive sessions in limited, specific circumstances, which must be properly and specifically noticed by reference. IC 5-14-1.5-6.1(b)

Respondent states:

On August 29, 2025, the following notice was placed on the front door of the Winslow Town Hall:

Town of Winslow

Town Council

Notice of Executive Session on Tuesday, September 2, 2025, at 7:00pm to be held at Winslow Town Hall located at 300 N Main Street, Winslow, IN 47598.

In compliance with Indiana Code 5-14-1.5-6.1 the Winslow Town Council will meet in Executive Session with respect IC 5-14-1.5-6.1(b)(5) to receive information about prospective employees; IC 5-14-1.5-6.1(b)(9) to discuss a job performance evaluation of individual employees.

This dispels Complainant’s concern that Respondent failed to state the reason for the meeting by citing the applicable code, as the reason and the code cites are in the notice that Respondent says was posted on the front door of the Winslow Town Hall.

Complainant alleges that the notice was deficient for failure to post to a website or Facebook. Respondent stated in its formal response that the Town does not have a website and Facebook does not constitute a public website. We agree. It appears that the Respondent complied with the statutory requirements for notice.

IC 5-14-1.5-6.1(c) states: [a] final action must be taken at a meeting open to the public. A “final action” means a vote by the governing body on any motion, proposal, resolution, rule, regulation, ordinance or order. However, there was no subsequent public meeting in close proximity to the Executive Session held on September 2, 2025.

Respondent acknowledged that employee performance was discussed at the executive session on September 2, 2025, that two (2) members of the Town Council met with the employee to discuss the situation on September 10, 2025,

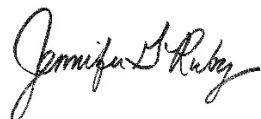
and that the employee was suspended on that same day. However, the vote of the Town Council, approving the discipline, was not held until September 19, 2025.

It is clear that final action was taken by or on behalf of the Town Council prior to the employee's suspension and prior to the September 19, 2025, Town Council's public vote. This is not consistent with ODL.

CONCLUSION

This office finds that the Respondent did not violate ODL as the notices were posted in accordance with the statute.

However, this office finds that Respondent did violate ODL by failing to take final action related to employee discipline in an open public meeting, prior to implementing the discipline.



Jennifer G. Ruby
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This Advisory Opinion combines and is issued in lieu of separate advisory opinions for the following:

25-FC-248	25-FC-311	25-FC-316
25-FC-252	25-FC-312	25-FC-317
25-FC-259	25-FC-315	25-FC-318
25-FC-277		