



STATE OF INDIANA

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August 18, 2026

Re: Complaint 26-FC-014
Julius M. Hacker (Complainant) v.
Franklin County Economic Development Commission (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on January 8, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on March 2, 2026, requesting a formal response by March 30, 2026. A formal response, submitted by Attorney Grant Reeves of Barada Law Offices on behalf of Respondent, was received in this office on March 27, 2026.

The complaint alleges that Respondent violated the Open Door Law (ODL) when it held an improper regular session without notice or public access.

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 a regular meeting on January 5, 2026, on an invite only basis and without notice to the public or that an executive meeting was held without notice to the public.

Respondent's response states that the event was not a formal meeting of the governing body in that only one commissioner attended in person, while the other two (2) viewed some of the event via Zoom. Respondent minimizes Complainant's perceived quorum as not participating in discussion or

deliberation.

However, the definition of meeting requires the intent to take “official action” on public business. Official action is defined as:

- (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). Official action includes receiving information which was one of the primary purposes of the meeting.

The definition of public business, IC 5-14-1.5-2(e), states that:

“Public business” means any function upon which the public agency is empowered or authorized to take official action.

Respondent is correct that under IC 5-14-1.5-3.5, which establishes the rules related to electronic meetings, the virtual meeting requirements fail as sections (b) and (g) were missing.

(b) Subject to subsection (i), a member of the governing body of a public agency who is not physically present at a meeting of the governing body may participate in a meeting by any electronic means of communication that does the following:

(1) Allows all participating members of the governing body to simultaneously communicate with each other.

(2) Allows the public to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.

Subject to subsection (i), a governing body member who participates in the meeting by an electronic means of communication shall be considered present for purposes of establishing a quorum but may participate in any final action taken at the meeting only if the member can be seen and heard.

Respondent made it clear that the Zoom members could only observe. Therefore, this section was not satisfied by the members in attendance via Zoom.

(g) At least fifty percent (50%) of the members of the governing body must be physically present at a meeting.

Respondent made it clear that two (2) of three members were not physically present. Therefore, this section was also not satisfied.

Respondent states that “[t]he facts demonstrate that the event was an informational discussion involving community stakeholders and business leaders, not a governing body meeting.” It appears that Respondent did not intend for the event to constitute a meeting of the governing body, and that the meeting did not require public notice. However, as Respondent invited local media as well, it was also never intended to be a secret gathering.

Respondent goes on to say: “the same project presenter later appeared at a properly noticed public meeting where the presentation and discussion occurred openly in compliance with IC 5-14-1.5-5.”

Respondent did not raise this in its response. However, ODL provides, in relevant part:

(c) “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. It does not include any of the following:

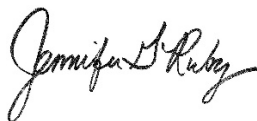
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(5) A gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources.

IC 5-14-1.5-2. There is no dispute that meeting concerned an industrial or commercial prospect. There is also no dispute that no final action took place on January 5, 2026. By this meeting definition exclusion, no meeting took place.

CONCLUSION

This office finds that the Respondent did not violate ODL as alleged in the complaint.



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