



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

**PUBLIC ACCESS COUNSELOR  
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May 28, 2015

Mr. Jason Coffey  
6090 E. Solitude Ct.  
Camby, IN 46113

*Re: Formal Complaint 15-FC-152; Alleged Violation of the Open Door Law by the Green Township Volunteer Fire Rescue*

Dear Mr. Coffey,

This advisory opinion is in response to your formal complaint alleging the Green Township Volunteer Fire Rescue ("VFR") violated the Open Door Law (ODL), Ind. Code § 5-14-3-1 *et. seq.* VFR has responded via Mr. Bart Coffey. 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 May 1, 2015.

## **BACKGROUND**

Your complaint dated May 1, 2015, alleges the Green Township Volunteer Fire Rescue violated the Open Door Law by voting without a quorum.

On May 10, 2015, VFR responded to your complaint, noting the VFR's bylaws set a quorum to six (6) members.

## **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).

Please be advised the Open Door Law does not establish regulations as to what constitutes a quorum, but rather speaks to whether a gathering of a governing body is a majority. Voters considered present for quorum purposes may differ from what

constitutes a majority physically gathering in the Open Door Law. In the present instance, the VFR had six of twelve members present and voting. The presence of half of the members of a board constitutes a majority; therefore the Open Door Law was triggered. As to how the board votes, that is left to the discretion of the governing body so long as the votes are not secret.

### **CONCLUSION**

For the foregoing reasons, it is the Opinion of the Public Access Counselor the Green Township Volunteer Fire Rescue has not violated the Open Door Law.

Regards,

A handwritten signature in black ink, appearing to be 'LHB', written in a cursive style.

Luke H. Britt  
Public Access Counselor

Cc: Mr. Bart Coffey