



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

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September 30, 2015

Chuck Goudie  
190 N. State  
Chicago, IL 60601

*Re: Formal Complaint 15-FC-221; Alleged Violation of the Open Door Law by the Dyer Planning Commission (Amended)*

Dear Mr. Goudie,

This advisory opinion is in response to your formal complaint alleging the Dyer Planning Commission ("Commission") violated the Open Door Law ("ODL"), Ind. Code § 5-14-3-1 *et. seq.* On August 19, the Commission responded via counsel, William Enslin. His response is enclosed for your review. 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 August 3, 2015.

## **BACKGROUND**

Your complaint alleges the Town of Dyer violated the Open Door Law by acting contrary to Ind. Code § 5-14-1.5 *et. al.*

On July 20, a one-man camera crew attempted to view and record a meeting of the Commission. The cameraman was informed that cameras were not allowed because they caused a disruption.

On August 19, counsel responded. Counsel notes that both meetings were open to the public. However, counsel acknowledges that the decision to prohibit cameras was in error and the Commission has made corrective actions. It has withdrawn the certification of zoning recommendations and scheduled a new public hearing for September 21.

## **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



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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).

One of the basic tenets of the Open Door Law is the provision that the public be allowed to observe and record public meetings. This is true for media as well. A one-person camera crew should not cause so much a disruption that they are excluded from the premises. Media crews are permitted in local government meetings - both large and small - state-wide. The community of Dyer should be no different. Dyer acknowledges its failure in this situation and has made corrective actions.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor that the Town of Dyer Planning Commission violated the Open Door Law.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written in a cursive style.

Luke H. Britt  
Public Access Counselor