



# STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR  
LUKE H. BRITT

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317)233-9435  
Fax: (317)233-3091  
1-800-228-6013  
[www.IN.gov/pac](http://www.IN.gov/pac)

April 1, 2015

James F. Murphy  
10726 North State Road 267  
Brownsburg, IN 46112

*Re: Formal Complaint 15-FC-67; Alleged Violation(s) of the Open Door Law by the Brownsburg Community School Corporation*

Dear Mr. Murphy,

This advisory opinion is in response to your formal complaint alleging the Brownsburg Community School Corporation violated the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 *et. seq.* The Corporation has responded via Mr. Adam Brower, Corporation President. 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 February 23, 2015.

## BACKGROUND

Your complaint dated February 4, 2015 alleges a violation of the Open Door Law by the Brownsburg Community School Corporation ("School"). The complaint alleges the School improperly noticed a general meeting on January 26, 2015. The meeting was supposed to start at 7:00 p.m., after the executive meeting at 6:30 p.m. You allege the general meeting started at 6:30 p.m., instead.

The School responded to your complaint on February 24, 2015. Brownsburg acknowledges it "inadvertently" moved directly into the general meeting earlier than the posted meeting time. However, President Brower contends the meeting was open to the public.

## 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).

Here, the School acknowledges it started the meeting earlier than intended. Other Public Access Counselors have determined on several occasions that deviations of 15 minutes before or after an announced start time will result in a technical violation of the Open Door Law. See *Advisory Opinion 07-FC-152*. Commencing a meeting before an advertised time will often result in a greater prejudice to the public than a delay. And simply put, plenty of public business can take place in a half hour. So while it seems as if the School has intended to follow the spirit of the law by holding an open meeting, beginning the meeting a full thirty (30) minutes early does not comply with the Open Door Law's requirement of posting an approximate start time.

### CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Brownsburg Community School Corporation has violated the Open Door Law.

Regards,

A handwritten signature in black ink, appearing to read 'L. H. Britt', with a long, sweeping underline that extends to the left.

Luke H. Britt  
Public Access Counselor

Cc: Mr. Adam Brower