



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 3, 2018

Via electronic mail

RE: OMA Request for Review – 2018 PAC 52223


Dear [REDACTED]

Pursuant to section 3.5(a) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(a) (West 2016)), the Public Access Bureau has received your Request for Review alleging possible violations of OMA in connection with a breakfast event attended by the Village of Wheeling (Village) Village President, the Mayor of the City of Prospect Heights (City), and members of the Wheeling/Prospect Heights Chamber of Commerce on March 14, 2018, at the Ramada Plaza in Prospect Heights. For the reasons set forth below, the Public Access Bureau has determined that the information you have furnished provides no basis to conclude that the Village or the Village Board violated OMA.

Section 3.5(a) of OMA provides that "[a] person who believes that a *violation of this Act* by a public body has occurred may file a request for review with the Public Access Counselor[.]" which "must include a summary of the *facts supporting the allegation.*" (Emphasis added.)

Your Request for Review alleges that the Village violated OMA when members of the public were required to sign up and pay a fee to attend the March 14, 2018, "State of the Village and City" event. You allege that this event was a public meeting where Village business was discussed. You further allege that you were not permitted to attend this event because you did not sign up or pay the fee in advance.

Section 1.02 of OMA (5 ILCS 120/1.02 (West 2016)) defines "meeting" as "any gathering * * * or other means of contemporaneous interactive communication, of a *majority of a quorum of the members of a public body* held for the purpose of discussing public business."


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If the interactions among a majority of a quorum of the members of the Village of Wheeling Village Board (Board) during the breakfast event were sufficient to meet this definition, then the Board would have been required to adhere to the notice requirements and other provisions of OMA. In determining whether a gathering of a majority of a quorum of members of a public body constitutes a "meeting" subject to OMA, the Illinois Supreme Court has instructed that "[t]he Act is only addressed to meetings designed to discuss or reach an accord with regard to public business which properly should be deliberated or acted upon in an open forum." *People ex. rel. Difanis v. Barr*, 83 Ill. 2d 191, 210 (1980).

The materials that you provided to this office indicate that the Village President and the City's Mayor would be giving addresses on the State of the City and the State of the Village at an event held by the Wheeling/Prospect Heights Area Chamber of Commerce. Although such addresses do pertain to public business, there is no indication that a majority of a quorum of the members of the Village Board attended the event and engaged in contemporaneous interactive communications pertaining to public business. The requirements of OMA do not apply to a speech by an individual member of a public body while attending an event held by a not-for-profit organization such as a chamber of commerce.

Because your Request for Review does not set forth facts alleging that a majority of a quorum of the Board gathered at the breakfast event and engaged in deliberative discussions of public business, there is no basis for this office to conclude that the event constituted a Board meeting subject to the requirements of OMA. Accordingly, this office has determined that no further action is warranted on this matter.

If you have any questions, please contact me at the Chicago address on the first page of this letter. This letter serves to close this matter.

Very truly yours,


S. PIYA MUKHERJEE
Assistant Attorney General
Public Access Bureau

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cc: The Honorable Patrick Horcher
Village President
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2 Community Boulevard
Wheeling, IL 60090