



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

May 2, 2019

Via electronic mail



RE: OMA Request for Review – 2019 PAC 57843

Dear [REDACTED]:

This determination letter is issued pursuant to section 3.5(b) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(b) (West 2016)). For the reasons set forth below, the Public Access Bureau concludes that no further action in this matter is warranted.

In your Request for Review, received April 24, 2019, you alleged that the Centralia City Council (Council) routinely violates OMA by holding private meetings at the Centralia House before official Council meetings and at McGuire's Tavern after those official meetings. You attached a picture of what you indicated was a quorum of Council members at McGuire's, and alleged that the "[t]opic of discussion was the upcoming elections in April and Strategy to stay in power."¹ In follow-up correspondence on April 26, 2019, you alleged that "[t]here are zero council agenda items" with respect to three elected officials running as a trio, and that "[t]his is more evidence of these 3 working together out of the public eyes."²

Section 3.5(a) of OMA (5 ILCS 120/3.5(a) (West 2016)) authorizes this office to take further action when a Request for Review alleging a potential violation of OMA meets the following requirements:

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 established in the Office of the Attorney General not later than 60 days after the alleged violation. If facts

¹Letter from [REDACTED] to the Public Access Counselor (April 24, 2019).

²E-mail from [REDACTED] to [Sarah] Pratt (April 26, 2019).

██████████
May 2, 2019

Page 2

concerning the violation are not discovered within the 60-day period, but are discovered at a later date, not exceeding 2 years after the alleged violation, by a person utilizing reasonable diligence, the request for review may be made within 60 days of the discovery of the alleged violation. The request for review * * * **must include a summary of the facts supporting the allegation.** (Emphasis added.)

As a threshold matter, your Request for Review neither indicated when the quorum of Council members gathered at McGuire's as depicted in the photograph you provided, nor identified any other dates on which the Council allegedly held an improper private meeting at the Centralia House or McGuire's. Because section 3.5(a) of OMA requires a Request for Review to be submitted within 60 days after an alleged violation occurred unless facts concerning the alleged violation were not discovered within those 60 days by a person using reasonable diligence, the date (or approximate date, if the exact date is unknowable) on which any alleged violation occurred is a necessary fact to set forth in a Request for Review in order to warrant further action by this office.

Furthermore, with respect to your specific allegation that the Council members discussed an upcoming election and staying in power, the definition of "meeting" in OMA is limited to gatherings of the members of a public body that are "held for the purpose of discussing public business[.]" 5 ILCS 120/1.02 (West 2016). The Illinois Supreme Court has advised that OMA "is not intended to prohibit bona fide social gatherings of public officials, or truly political meetings at which party business is discussed. Rather, the Act is designed to prohibit secret deliberation and action on business which properly should be discussed in a public forum due to its potential impact on the public." *People ex rel. Difanis v. Barr*, 83 Ill. 2d 191, 202 (1980). Accordingly, the Public Access Bureau has determined that private social and political gatherings of the members of a public body do not violate the openness requirements of OMA,³ as long as the members of the public body do not deliberate about public business. *See, for instance*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 13792, issued July 6, 2011, at 2 (attendance of school board members at campaign-related social gathering was not a meeting subject to OMA).

The information you set forth in your Request for Review is insufficient to indicate that the gathering at McGuire's was held for the purpose of discussing public business and therefore constituted a "meeting" subject to the requirements of OMA. Likewise, the alleged absence of agenda items concerning three elected officials running as a trio and the notion that those three have worked together on electoral matters in private does not indicate that the Council violated OMA because of the legal distinction between political gatherings and meetings

³Section 2(a) of OMA (5 ILCS 120/2(a) (West 2017 Supp.), as amended by Public Act 100-646, effective July 27, 2018) provides that "all meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a."

[REDACTED]
May 2, 2019

Page 3

held to transact public business. Accordingly, the Public Access Bureau has determined that no further inquiry is warranted in this matter.

This letter serves to close this matter. If you have any questions, please contact me at (217) 782-1699, ldraws@atg.state.il.us, or the Springfield address on the bottom of the first page of this letter.

Very truly yours,

[REDACTED]
LEO DRAWS
Assistant Attorney General
Public Access Bureau

57843 o no fi war mun

cc: *Via electronic mail*
The Honorable Tom Ashby
Mayor
City of Centralia
101 South Locust Street
Centralia, Illinois 62801
tashby@cityofcentralia.org