



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

June 10, 2026

Via electronic mail

[REDACTED]

Via electronic mail

Ms. Luanne M. Galovich, Esq.
Senior Counsel
Del Galdo Law Group, LLC
1441 South Harlem Avenue
Berwyn, Illinois 60402
galovich@dlglawgroup.com

RE: OMA Request for Review – 2026 PAC 93241

Dear [REDACTED] and Ms. Galovich:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2024)). For the reasons explained below, the Public Access Bureau concludes that the Town of Cicero Board of Trustees (Board) did not violate section 2.06(g) of OMA (5 ILCS 120/2.06(g) (West 2024)) in connection with its March 24, 2026, meeting.

BACKGROUND

On March 25, 2026, this office received a Request for Review from [REDACTED] alleging that the Board violated section 2.06(g) of OMA on the previous day by (1) briefly interrupting his public comment and (2) permitting him to be physically removed from the podium and ejected from the meeting—without a formal vote by the Board or directive by the Mayor—before the expiration of his three minutes for public comment based on the content of his comments rather than any actual disruption of the meeting. The submission included an

500 South 2nd Street
Springfield, Illinois 62701
(217) 782-1090 • Fax: (217) 782-7046

115 South LaSalle Street
Chicago, Illinois 60603
(312) 814-3000 • Fax: (312) 814-3806

1745 Innovation Drive, Suite C
Carbondale, Illinois 62903
(618) 529-6400 • Fax: (618) 529-6416

Individuals with hearing or speech disabilities can reach us by using the 7-1-1 relay service.

www.IllinoisAttorneyGeneral.gov

internet link to a video of the Board's March 24, 2026, meeting. On April 9, 2026, this office sent a copy of the Request for Review to the Board, requesting a written response to the allegations, a copy of the Board's established and recorded rules regarding public comment, and copies of the March 24, 2026, meeting agenda, minutes, and open session recording. On May 12, 2026, the Board's attorney provided this office with a written answer and the meeting minutes and agenda, a copy of the ordinance that regulates the public comment at Board meetings, and a picture of [REDACTED] raising his middle finger to the Board during his public comment on March 24, 2026. The Board also stated that it does not record open sessions of its meetings, so it did not provide an audio recording of the meeting. On May 12, 2026, this office forwarded a copy of that answer to [REDACTED]. On May 15, 2026, he responded and argued that he was not provided a full three-minutes of public comment, that his presence and speech did not create an actual disruption of the Board meeting, and that his displaying of his middle finger to the Board was simply him counting down the minutes left on his time for public comment.

DETERMINATION

Section 2.06(g) of OMA provides that "[a]ny person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body." A public body violates section 2.06(g) of OMA when it: (1) prohibits a member of the public from addressing its members in a manner inconsistent with its established and recorded rules, or (2) prohibits a member of the public from providing public comment pursuant to its established and recorded rules, but those rules unreasonably restrict that person's right to address public officials. Ill. Att'y Gen. Pub. Acc. Op. No. 14-009, issued September 4, 2014, at 5-7. Pursuant to its established and recorded rules "a public body may legitimately prescribe reasonable time limits for public comment." Ill. Att'y Gen. Pub. Acc. Op. No. 14-012, issued September 30, 2014, at 5-6.

The Board's response to this office alleges that [REDACTED] was given his full three minutes of public comment and argues that despite [REDACTED] profane gesture to the Board, the Board did not cut off his public comment while he criticized the Town and its elected officials. The Board also provided its established and recorded rule regulating public comment at its meetings, which reads in relevant part:

Sec. 2-66. Limited public forum. The following procedures for establishing and conducting a limited public forum before the board of trustees are adopted: * * *

(2) There shall be a presiding officer at each meeting who shall preserve order and decorum and shall preside over the public forum. The presiding officer shall have the power to require the chambers to be cleared for any disturbance or disorderly conduct.^[1]

¹Cicero, Ill., Code of Ordinances § 2-66 (amended April 12, 1994).

This office has reviewed the materials provided by [REDACTED] and the Board, including the video recording of the March 24, 2026, meeting, provided by [REDACTED]. That recording shows [REDACTED] began his public comment at the 15:14 mark, restarted his comments and his timer at the 15:25 mark. At the 16:04 mark and the 17:43 mark, the Mayor made comments that each lasted for no more than two seconds, possibly causing [REDACTED] to briefly pause before he continued speaking. [REDACTED] raised two fingers at the 16:45 mark, stating that he had two minutes remaining. At the 17:45 mark, [REDACTED] lowered his index finger but continued to extend his middle finger, indicating that he had one minute left.² He kept his middle finger extended until he was ushered away from the podium at the 18:12 mark. Despite the Board's assertion that [REDACTED] spoke for three minutes, the only recording of the meeting available to this office shows that his public comment time was ended two seconds short of the full three minutes.

Nevertheless, as the Board noted in its response, a public body is not required to permit disruptive and obscene behavior or gestures to continue without limits. This office has previously determined that section 2.06(g) of OMA requires public bodies to allow criticism of public officials that is not profane or disruptive,³ but permits restrictions on public comments that breach decorum even without the use of profanity. Ill. Att'y Gen. PAC Req. Rev. Ltr. 46149, issued April 10, 2018, at 5 (an individual breached decorum during public comment by raising their voice and pointing and gesturing vigorously with their hands, though they did not use profanity or make threats). Additionally, "[c]ourts have found restrictions on speech in limited public forums[.]" such as meetings of public bodies, "reasonable when they advance goals such as civility, decorum, relevance, and fairness to other public speakers participating in the forum." *SEIU Local 73 v. Board of Trustees of the Univ. of Illinois*, 2023 U.S. Dist. LEXIS 88889, at *23, (C.D. Ill. May 22, 2023); *see also Biggers v. Massingill*, 2026 U.S. Dist. LEXIS 265685, at *22 (N.D. Tex. May 14, 2026) ("[P]rohibiting demeaning or insulting comments is a reasonable subject matter restriction in light of the purpose served by the" county board). Even without established rules, this office has previously determined that the head of a public body has inherent authority to take measures to preserve decorum and ensure that a meeting is conducted in an orderly and efficient manner. *See* Ill. Att'y Gen. PAC Req. Rev. Ltr. 53888, issued April 30, 2020, at 4 ("Even without public comment rules, the head of a public body has the authority and responsibility to run a civil and businesslike meeting, including the inherent authority to put a stop to conduct that interferes with the orderly conduct of a meeting.").

Despite [REDACTED] assertion that he raised his middle finger simply to count

²Town of Cicero Board Meeting March 24, 2026, YouTube (March 24, 2026), https://www.youtube.com/watch?v=_qcbZRI_WJo&t=914s.

³"When criticism involves the conduct of present or former public officials in the performance of their public duties, significant latitude must be allowed." Ill. Att'y Gen. PAC Req. Rev. Ltr. 39069, issued April 5, 2016, at 3.

██████████
Ms. Luanne M. Galovich, Esq.
June 10, 2026
Page 4

down the remaining minutes of his public comment, that gesture is undoubtedly profane and a breach of decorum. *See Perkins v. City of Gahanna*, 2000 U.S. Dist. LEXIS 23209, at 23209, at *11 (S.D. Ohio, Sept. 21, 2000) (characterizing an individual raising their middle finger at a police officer as "an offensive and insulting gesture"). Even if ██████████ gesture did not provoke an argument or objection by the Board, the statutory right to address public officials in section 2.06(g) of OMA cannot be reasonably construed to include engaging in such profane and insulting conduct. Although the Board's public comment rules provide that the presiding officer shall maintain order and decorum, neither the Board's rules nor section 2.06(g) of OMA required the Mayor or the Board to issue a formal directive or hold a vote to approve of police ejecting ██████████ from the meeting. The Board effectively authorized the termination of ██████████ public comment by not objecting to his removal. Accordingly, the Board did not unreasonably restrict ██████████ from addressing public officials after he raised his middle finger at the Board.

With respect to ██████████ allegation that the Mayor unreasonably interfered with his public comment by briefly interrupting him, this office has consistently determined that a temporary interruption that does not preclude a speaker from completing his or her public comment does not constitute an improper restriction on public comment. *See, for example*, Ill. Att'y Gen. PAC Rev. Ltr. 37496, issued December 11, 2015, at 3 (public body did not violate section 2.06(g) by briefly interrupting a speaker to ask a question about their statement). The recording ██████████ submitted to this office showed that the Mayor made two brief comments that may have caused ██████████ to pause for a second or two, before he continued without interruption until being removed from the meeting. Because those interruptions did not meaningfully interfere with ██████████ ability to address public officials, the Board did not violate section 2.06(g) of OMA on that basis, either.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. If you have any questions, please contact me at Michael.Malik@ilag.gov. This file is closed.

Very truly yours

████████████████████
MICHAEL G. MALIK
Assistant Attorney General
Public Access Bureau

93241 o 206g pub comment proper mun