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STATE OF ILLINOIS

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July 31, 2026

Via electronic mail

The Honorable Angela Huntington
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Joliet Township High School District 204
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Via electronic mail

The Honorable Tom Fitzpatrick
Member, Board of Education
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Via electronic mail

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RE: OMA Request for Review – 2025 PAC 90482; 2025 PAC 90548

Dear Ms. Huntington, Mr. Fitzpatrick, and Mr. Fester:

This consolidated determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2024)).

BACKGROUND

On November 5, 2025, Ms. Angela Huntington submitted a Request for Review (2025 PAC 90482) to the Public Access Bureau alleging that the Joliet Township High School

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District 204 (District) Board of Education (Board) violated OMA by holding an undisclosed, private meeting on or after October 22, 2025. Specifically, Ms. Huntington stated that a majority of the Board's members sent a letter to the High School's Administrative Team, expressing its support and responding to concerns raised at the Board's October 21, 2025, meeting.¹ She stated that this letter was sent to the Administrative Team without the knowledge of the entire Board and that the Board did not discuss drafting this letter during one of its meetings. Because the letter made several references to "the majority of the board," Ms. Huntington argued that Board's discussion constituted a "meeting," as defined by section 1.02 of OMA.²

On November 9, 2025, Mr. Tom Fitzpatrick submitted a Request for Review (2025 PAC 90548) to the Public Access Bureau alleging the same OMA violation. Mr. Fitzpatrick stated that during the Board's October 21, 2025, meeting, the members had discussed the results of a yearly survey, which suggested "only a 29 percent belief in the direction and leadership of the administration."³ He learned that the letter at issue, signed by a majority of the board, was sent without his knowledge after this meeting.⁴

On November 17, 2025, this office forwarded a copy of Ms. Huntington's Request for Review (2025 PAC 90482) to the Board and asked it to provide a written response addressing whether a majority of the Board held any undisclosed "meetings" to discuss the letter sent to the Administrative Team. On November 20, 2025, this office also forwarded a copy of Mr. Fitzpatrick's Request for Review and asking the Board to address the same allegations. On November 25, 2025, this office received the Board's response. On December 1, 2025, this office forwarded a copy of the Board's response to Ms. Huntington and Mr. Fitzpatrick. On December 4, 2025, Ms. Huntington submitted her reply; Mr. Fitzpatrick did not reply.

DETERMINATION

It is "the public policy of this State that its citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way." 5 ILCS 120/1 (West 2024). Section 2(a) of OMA (5 ILCS 120/2(a))

¹E-mail from Angela Huntington, JTHS School Board Member, to Leah Bartelt, Public Access Counselor, Public Access Bureau (November 5, 2025).

²5 ILCS 120/1.02 (West 2024).

³E-mail from Tom Fitzpatrick, JHTS School Board Member, to Leah Bartelt, Public Access Counselor, Public Access Bureau (November 5, 2025).

⁴E-mail from Tom Fitzpatrick, JHTS School Board Member, to Leah Bartelt, Public Access Counselor, Public Access Bureau (November 5, 2025).

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(West 2024)) provides that "[a]ll meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a."

"Meetings" subject to OMA

For the requirements of OMA to apply, a gathering must constitute a "meeting" as defined by section 1.02 of OMA (5 ILCS 120/1.02 (West 2024)):

"Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), 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[.]

Under this statutory definition, a "meeting" may include telephone calls and other communications. The Board is comprised of seven members.⁵ Accordingly, four members of the Board comprise a quorum, and a majority of the quorum is three members. Therefore, any contemporaneous, interactive communications involving at least three members of the Board which concern "public business" would ordinarily constitute a meeting of the Board that would be subject to the procedural safeguards and requirements of OMA.

The Public Access Bureau has consistently determined that at least a majority of a quorum of a public body's members must actively interact with each other in group communications during a short duration to trigger the requirements of OMA. *Compare* Ill. Att'y Gen. PAC Req. Rev. Ltr. 88826, issued March 11, 2026 (separate communications between superintendent and individual board members concerning appointment process did not constitute a meeting where the communications involved no more than two board members) *with* Ill. Att'y Gen. PAC Req. Rev. Ltr. 61343, issued February 25, 2020 (conference call in which more than a majority of quorum of board members discussed village matters constituted a meeting, even if conducted in an informal manner).

Serial communications or "rolling meetings" do not meet the definition of a meeting under OMA. *See* Ill. Att'y Gen. PAC Req. Rev. Ltr. 81208, issued March 26, 2025, at 10-11. The definition of "meeting" in section 1.02 of OMA requires a "**gathering, * * *** of a majority of a quorum of the members of a public body held for the purpose of discussing public business[.]" (Emphasis added.) A "gathering" is defined as a "coming together of people in a

⁵Letter from John Fester, Himes Petrarca & Fester, to Teresa Lim, Deputy Bureau Chief, Public Access Bureau (November 25, 2025), at 3.

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group (as for social, religious, or political purposes)[.]"⁶ Thus, the Public Access Bureau has previously concluded:

A one-on-one verbal discussion or an e-mail or text message exchange between two members of public body is a coming together of two members in a group—not at least three members, as is required for a gathering of majority of a quorum of the seven-member Board to trigger the requirements of OMA. * * * If the General Assembly wishes to prohibit an individual member of a public body from holding individual one-on-one conversations that cumulatively add up to a majority of a quorum of the members of a public body, it would have to amend the definition of 'meeting' in OMA to account for that circumstance. Ill. Att'y Gen. PAC Req. Rev. Ltr. 81208, at 10-11.

In its answer to this office, the Board acknowledged that it had some communications concerning the letter at issue but denied that those communications constituted a "meeting" under OMA. The Board explained that:

At a Board meeting held on October 21, 2025, a Board member made reference to a survey result claiming that only 29% of stakeholders supported the direction and leadership of the District's administration. Concerned about the negative impact on the District's administration, the next day Board President Matt Kennedy drafted a letter of support he intended to send to the administration. Believing that members Fitzpatrick (who filed this complaint) and Huntington would not sign such a letter, Mr. Kennedy did not ask them if they would sign.^[7]

According to the Board, the President contacted four members individually through phone calls and text messages, and three of them agreed to sign the letter. The Board argued that those communications were not meetings because they were spread apart and involved only two members at any time:

Mr. Kennedy spoke briefly to Mr. Coffey (12:52 p.m.), who declined, and briefly to Ms. Lynne (7:34 a.m.) who agreed. These

⁶Merriam-Webster Online Dictionary, <https://www.merriam-webster.com/dictionary/gathering>.

⁷Letter from John Fester, Himes Petrarca & Fester, to Teresa Lim, Deputy Bureau Chief, Public Access Bureau (November 25, 2025), at 1.

one-on-one phone calls took place over five hours apart, eliminating any possibility of treating the calls as contemporaneous sufficient to establish a gathering.

Similarly, Mr. Kennedy's phone call with Ms. Stiff happened at 10:54 a.m. when she called him back, and his call with Ms. Guerrero Neumayer was at 10:06 a.m. when she called him back. These times were not selected by Mr. Kennedy and occurred nearly one hour apart.^[8]

Additionally, the Board asserted that the communications were limited in nature in that none of the three members who signed the letter offered edits or otherwise contributed to the letter's contents. The Board contended that the President "simply asked each Board member if, sight unseen, they wanted to put their signature on his letter of support for the District's administrators. Each Board member answered for themselves and then independently sent their electronic signatures to Superintendent Guseman who put them on the letter."⁹ The Superintendent then sent "Mr. Kennedy's letter of support on behalf of the four Board members" to the Administrative Team on October 22, 2025.¹⁰

Having reviewed the Board's response, the phone calls and text messages did not consist of contemporaneous interactive communications involving a majority of a quorum of the Board. While the topic of those communications—the leadership of the District's administration, pertained to public business—the communications were held on a one-on-one basis. Communications involving no more than two Board members do not meet the definition of a "meeting" for purposes of OMA. Accordingly, this office is unable to conclude that the Board held improper private meetings.

As discussed below, however, a public body may take final action that is subject to the requirements of section 2(e) of OMA¹¹ by reaching and implementing a decision even if the public body does not hold a gathering that constitutes a "meeting."

⁸Letter from John Fester, Himes Petrarca & Fester, to Teresa Lim, Deputy Bureau Chief, Public Access Bureau (November 25, 2025), at 3.

⁹Letter from John Fester, Himes Petrarca & Fester, to Teresa Lim, Deputy Bureau Chief, Public Access Bureau (November 25, 2025), at 3.

¹⁰Letter from John Fester, Himes Petrarca & Fester, to Teresa Lim, Deputy Bureau Chief, Public Access Bureau (November 25, 2025), at 2.

¹¹5 ILCS 120/2(e) (West 2024), as amended by Public Act 104-438, effective January 1, 2026.

Final Actions

Section 2(e) of OMA provides that "[n]o final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted." One-on-one communications among a public body's members are not ordinarily meetings, but reaching a consensus through a series of one-on-one communications and implementing a decision outside of an open meeting may constitute final action that is subject to section 2(e). *See Howe v. Retirement Board of the Firemen's Annuity & Benefit Fund*, 2013 IL App (1st) 122446, ¶ 29 (vacating the board's decision to deny disability benefits because the board had circulated the decision for signatures privately rather than voting on it in open session).

The Public Access Bureau has previously determined that a public body violated OMA when it reached a decision on a matter of public business through individual communications with public body members and took action to implement that decision. Ill. Att'y Gen. PAC Req. Rev. Ltr. 58555, issued August 20, 2019 (finding that a Board's decision to suspend camping in a park, reached after a series of two-member conversations among Board members outside of an open meeting, violated OMA); Ill. Att'y Gen. PAC Req. Rev. Ltr. 74113, issued June 7, 2023 (board violated section 2(e) when it conducted phone polls with individual members on whether to approve or reject certain proposed actions and implemented those actions prior to voting on them at a board meeting).

In his Request for Review, Mr. Fitzpatrick contended that the four members who signed the letter coordinated a position outside of an open meeting and noted that the letter "was sent to the District's Administrative Team signed 'on behalf of the majority of the members of the school board' on JTHS letterhead."¹² Ms. Huntington similarly contended in her reply to the Board's answer that the letter was presented as a collective or unified position of the Board:

While Mr. Fester's response describes a series of one-on-one communications between Board President Matt Kennedy and other Board members, the cumulative effect of these contacts appears to have resulted in a coordinated Board action—a letter expressing the collective support of a majority of the Board. The OMA is intended to prevent not only simultaneous gatherings but also serial communications that result in deliberation or decision-making outside of a properly noticed public meeting. The fact that four Board members agreed to sign a letter, which was then presented as a unified Board position, raises concerns about

¹²E-mail from Tom Fitzpatrick, JHTS School Board Member, to Leah Bartelt, Public Access Counselor, Public Access Bureau (November 5, 2025).

whether public business was discussed and decided outside of public view.^[13]

The Board disputed Ms. Huntington's and Mr. Fitzpatrick's characterization of the letter as a coordinated or collective position of the Board. In particular, the Board contended that the letter was "not an official Board statement or Board action. It is the exercise of various Board members' right to speak freely outside of Board meetings to express their opinions on matters of public concern."¹⁴ The Board further argued that "[t]he letter does not purport to be on behalf of the Board. It is clearly expressing the opinions of four Board members, just as Dr. Huntington's statement expressed her own opinions."¹⁵

As discussed above, the letter at issue expresses support for the District's Administration Team. The letter begins by stating that it was written "on behalf of the majority of the members of the school board in light of the events at the October board meeting."¹⁶ The letter then thanks the administrations for its work and dedication, and states that "[t]he majority of the board felt it was imperative to let our administrative team know that we believe in your ability to lead, your ability to make connections, and most importantly, we believe in each of you as professionals."¹⁷ The letter expresses further support and is signed by the four members.

Based on this office's review, the Board's letter amounted to more than merely an expression of the opinions of individual Board members. A member of the public could have reasonably interpreted the letter, signed by a "majority of the board" on District letterhead and addressing District business, to be an official statement of the Board in support of the administrative team. Here, the Board President drafted the letter and invited four members to sign the letter; the remaining two members were not contacted because their position was already known. The four members who signed the letter constitute a majority of the Board. While the Board did not formally cast votes on the letter, the Board members reached and implemented a final decision by signing the letter and sending it to the administration. Rather than acting individually, the letter reflects the Board as manifesting support for the administrative team as a unified majority in response to a purportedly unfavorable survey result. *See* Ill. Att'y Gen. PAC

¹³E-mail from Angela Huntington to AAG Lucente-McCullough (December 4, 2025).

¹⁴E-mail from John E. Fester to Assistant AG Lucente-McCullough (December 8, 2025).

¹⁵E-mail from John E. Fester to Assistant AG Lucente-McCullough (December 8, 2025).

¹⁶Letter from Matthew Kennedy, Board President, *et al.*, to JTHS Administrative Team (October 22, 2025).

¹⁷Letter from Matthew Kennedy, Board President, *et al.*, to JTHS Administrative Team (October 22, 2025).

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Req. Rev. Ltr. 21599, issued March 19, 2013, at 2 (determining that a board violated section 2(e) when four of five board members signed a letter in support of a wage ordinance outside of an open meeting and sent the letter to the city council). Under these circumstances, this office concludes that the Board violated section 2(e) by effectively taking final action on the letter outside of an open meeting.

Because of the finality of the letter which has been sent to the District administration, no remedial action is available at this time. This office cautions the Board to refrain from the same manner of privately making and implementing decisions in the future.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter closes this matter. If you have any questions, please contact me at the Chicago address listed on the first page of this letter.

Very truly yours,



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