



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

April 22, 2024

Via electronic mail
Mr. William Randall
7090 Randall Road
Poplar Grove, Illinois 61065
ifihavel@yahoo.com

RE: OMA Request for Review – 2024 PAC 80840; 2024 PAC 80854

Dear Mr. Randall:

The Public Access Bureau has received your two Requests for Review alleging potential violations of the Open Meetings Act (OMA) (5 ILCS 120/1 *et seq.* (West 2022)) by the North Booth Community Unit School District 200 (School District) Board of Education (Board) in connection with two e-mails sent on February 17, 2024, and February 18, 2024, e-mail. Specifically, your Requests for Review allege that the Board violated OMA when one Board member sent an e-mail to the other Board members concerning public business on those two dates. Our review of the information that you have furnished, however, provides an insufficient basis for the Public Access Counselor to conclude that the Board violated OMA.

"The Open Meetings Act provides that public agencies exist to aid in the conduct of the people's business, and that the intent of the Act is to assure that agency actions be taken openly and that their deliberations be conducted openly." *Gosnell v. Hogan*, 179 Ill. App. 3d 161, 171 (1989). In order 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 2022)):

"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 or,

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for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business. (Emphasis added.)

Under this statutory definition, a "meeting" may include communications through e-mail or other electronic means. The Board is comprised of seven members. Accordingly, four members constitute a quorum, and a majority of the quorum is three members. Therefore, contemporaneous, interactive e-mail or other electronic communications involving at least three members which concern "public business" would ordinarily constitute a meeting of the Board which would be subject to the procedural safeguards and requirements of OMA.

In this instance, although you demonstrated that two e-mails were sent from one Board member to the rest of the Board, you did not allege that there were any related replies or discussions among these individuals. The lone e-mails you provided do not reflect contemporaneous interactive communications among a majority of a quorum of the Board and, therefore, neither constitute a "meeting" subject to OMA. *See* Ill. Att'y Gen. PAC Req. Rev. Ltr. 52947, issued May 8, 2018 (a single e-mail from one member of a public body to the rest of the public body did not violate OMA where no other members replied). Because the facts you have alleged do not support the allegation that the Board violated OMA, we have determined that no further action is warranted in these matters.

Please contact me by mail at the Chicago address listed on the first page of this letter or by e-mail at c.lucentemccullough@ilag.gov if you have questions or would like to discuss this matter. Thank you.

Very truly yours,

Christina Lucente-McCullough

CHRISTINA LUCENTE-MCCULLOUGH
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
The Honorable Ed Mulholland, Board President
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