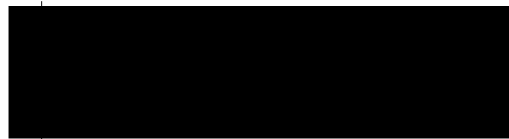




OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 18, 2016



Via electronic mail

Dr. Paul McDermott
Superintendent
Forest Ridge School District 142
15000 Laramie
Oak Forest, Illinois 60452
pmcdermott@p142.org

RE: OMA Request for Review – 2016 PAC 42572

Dear [REDACTED] and Mr. McDermott:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (5 ILCS 120/3.5(e) (West 2015 Supp.)). For the reasons discussed below, the Public Access Bureau is unable to conclude from the available information that the Forest Ridge School District 142 Board of Education (Board) violated OMA.

In his Request for Review, [REDACTED] alleged that the Board required that people who wished to record its June 21, 2016, meeting do so from a restricted area from which the president of the Board was not visible and several Board members were not audible. On June 28, 2016, this office sent a copy of the Request for Review to the Board and requested a written response to the allegations in the Request for Review together with copies of any rules it has prescribed to govern the public's statutory right to record meetings. The District's superintendent responded on behalf of the Board by stating that the Board permits anyone to record its meetings, and does not require people to record from places in the meeting room where their ability to see or hear the meeting is obstructed. The superintendent's response further stated that he attended the June 21, 2016, meeting, and witnessed the following:

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At the beginning of the meeting, a resident, * * * seated herself in the center of the front row of the Board meeting room. She began to unfold the legs of tri-pod for her camera and search for an outlet. Because there were people sitting immediately behind her she was asked to move down a few seats as a courtesy to those members of the public sitting behind her. She remained in the front row and moved only a few seats, perhaps a few feet, from her original selection. Neither Mr. Curran nor anyone placed her in a position to obstruct her view and I do not believe she was obstructed in any way.^[1]

On July 7, 2016, this office sent a copy of that response to ██████████; he did not reply.

ANALYSIS

This office construed the Request for Review as alleging a violation of section 2.05 of OMA (5 ILCS 120/2.05 (West 2014)), which provides: "Subject to the provisions of Section 8-701 of the Code of Civil Procedure, any person may record the proceedings at meetings required to be open by this Act by tape, film or other means. The authority holding the meeting shall prescribe reasonable rules to govern the right to make such recordings."

The Board's response to this office asserted that the Board permitted recording of its June 21, 2016, meeting, and merely requested that a member of public move a standing recording device from the middle of the front row to enable others in attendance to observe the meeting. Such a request does not preclude any member of the public from exercising his or her statutory right to record the meeting. ██████████ allegations that members of the public who wished to record the meeting were confined to a special section where the Board president was not visible and Board members were not audible is uncorroborated and contradicted by the Board's response. Therefore, based on the available information, this office is unable to conclude that the Board violated section 2.05 of OMA.

This office notes, however, that section 2.05 of OMA expressly requires the Board and other public bodies to prescribe reasonable rules governing the public's right to record meetings. We requested a copy of the Board's rules, but did not receive any rules with the Board's response. Therefore, if the Board has not already done so, it should prescribe reasonable rules to govern the public's right to record meetings as required by section 2.05 of OMA.

¹Letter from Dr. Paul McDermott, Superintendent, Forest Ridge School District 142, to Steve Silverman, Assistant Bureau Chief, Public Access Bureau, Office of the Attorney General (undated).

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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 (312) 814-6756. This letter serves to close this file.

Very truly yours,

[REDACTED]
STEVE SILVERMAN
Bureau Chief
Public Access Bureau

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