



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

May 23, 2023

Via electronic mail



RE: OMA Request for Review – 2023 PAC 76564

Dear [REDACTED]:

This determination is issued pursuant to section 3.5(b) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(b) (West 2020)). For the reasons set forth below, the Public Access Bureau has determined that no further action is warranted as to your allegation that the Village of Wayne Board of Trustees (Board) permitted a resident to attend a closed session discussion.

Section 3.5(a) of OMA (5 ILCS 120/3.5(a) (West 2020)) provides:

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. * * * The request for review must be in writing, must be signed by the requester, and must include a summary of the **facts supporting the allegation**. (Emphasis added.)

Your Request for Review alleges that the Board allowed an individual who appears to have recently been elected to the Board to attend the closed session portion of its April 20, 2023, meeting. You assert that doing so violated OMA because the election has not been certified and the individual has not been sworn in or completed OMA training.

[REDACTED]
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Section 2(c) of OMA¹ authorizes public bodies to enter closed session to discuss certain enumerated topics. However, "OMA does not specifically identify who may or may not attend a closed meeting[,] * * * [and] no provision of OMA prohibits a public body from permitting any particular individual from attending a closed session." Ill. Att'y Gen. PAC Req. Rev. Ltr. 35792, issued June 22, 2015, at 1. Because public bodies have discretion to permit third parties to attend closed session discussions, this office will take no further action in this matter.

This file is closed. If you have any questions, please contact me at (312) 814-6756 or steven.silverman@ilag.gov.

Very truly yours

[REDACTED]
STEVE SILVERMAN
Bureau Chief
Public Access Bureau

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cc: The Honorable Eileen Phipps
Board of Trustees
Village of Wayne
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¹5 ILCS 120/2(c) (West 2021 Supp.), as amended by Public Act 102-813, effective May 13, 2022.