

Violations of Open Meeting Requirements in Other States

Violations of open meeting requirements are rarely penalized. In the few cases that go to court or receive legal opinions from the state's attorney general, the action is typically taken to determine whether or not a governmental body or organization is subject to the open meeting requirements.

Below are examples of violations, penalties, and fines from various states over the past 40 years.

California

A California superior court judge ruled on June 17, 2003 that a state agency and four unions representing its employees must pay more than \$42,000 in attorney fees to a Walnut Creek, California, newspaper that prevailed in an open records claim.

Florida

A jury convicted a county commissioner in 2002 of discussing redistricting by telephone with the county election supervisor while another commissioner listened on the speaker phone. A judge sentenced him to 60 days in jail on one count and fined him \$500 plus \$3,600 in court costs on another count.

Georgia

The plaintiff sought injunctive relief under the Open Meetings Act against the Board of Commissioners of Tift County in 2002. He claimed that the Board received evidence and heard arguments against him while in a closed session in violation of the Act. The superior court granted the injunction and ordered the relief sought by Plaintiff — that no action was taken against him as a result of the Board meeting.

New Mexico

In 2002, five members of the Las Cruces School Board publicly admitted they had violated the open meetings law 19 times by secretly providing about \$390,000 in salary and benefits to a superintendent. For the first time since 1976, New Mexico's attorney general filed a criminal complaint regarding the open meetings law.

The board members received \$500 fines, and the school board paid the bill.

New York

Two students filed suit in 2005 in the New York Supreme Court to compel the Hostos Community College Senate and its subcommittees to conduct open meetings. The court ruled in favor of the students and ordered the records of the meetings in question released and issued an injunction to compel future meetings to remain open to the public.

Michigan

In 1988, Detroit Corporation Counsel Donald Pailen spent four nights in jail for refusing to release public documents relating to a \$42 million land deal to the *Detroit Free Press* and *The Detroit News*. Pailen was released from jail when he agreed to turn over the documents.

Oklahoma

In September 1986, Melvin Meeks, a member of three city boards in Wister, Oklahoma, spent the night in jail. He had been convicted of holding illegally closed sessions and failing to post agendas and keep minutes. He is thought to be the first American public official jailed for violating open meeting requirements.

Washington

On June 11, 2003, a U.S. Court of Appeals in Seattle (9th Circuit) upheld throwing out a 1998 settlement agreement between the city of Spokane, Washington, and a real estate developer worth hundreds of thousands of dollars because the Spokane City Council had approved the settlement during a closed session.