



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

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February 16, 2006

Mr. Charles Claybaugh  
N1463 Westhaven Drive  
Greenville, WI 54942

Dear Mr. Claybaugh:

Attorney General Peg Lautenschlager has asked me to respond to your question concerning Wisconsin's open meetings law. You state that you attended a meeting of a governmental body that was noticed as starting in open session, convening in closed session and then reconvening in open session. You state that you and a newspaper reporter waited during the closed session but were never informed that the governmental body had reconvened in open session. You indicate that you waited for over an hour at the entrance door, but that the door was never opened until board members were leaving the meeting hall at the conclusion of the meeting. You ask whether the board met the requirements of Wisconsin's open meetings law. The board did not.

An open session is defined in section 19.82(3) of the Wisconsin Statutes as "a meeting which is held in a place reasonably accessible to members of the public and open to all citizens at all times." The board, the presiding officer specifically, had the duty to make sure that the open session of the meeting was truly open. In short, the board should have opened the door at the end of the closed session and informed the public that the session was then open.

It would seem from your letter that the board's violation was inadvertent since you indicate that the board members were surprised to see you and the reporter. Because the violation was inadvertent, enforcement action would not be warranted. You may wish to share this letter with the presiding officer, however.

Sincerely,

  
Alan Lee

Assistant Attorney General

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