



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 26, 2010

Mr. Adam Andrzejewski
225 N. Washington
Hinsdale, Illinois 60521

RE: Request for Review, OMA – No. 2010 PAC 5894

Dear Mr. Andrzejewski:

The Public Access Counselor is in receipt of your February 17, 2010 Request for Review concerning an alleged violation of the Illinois Open Meetings Act by virtue of the February 17th closed meeting of a Senate “Joint Caucus.”

As you and I discussed over the telephone, the Open Meetings Act explicitly exempts the General Assembly from its provisions and requirements. 5 ILCS 120/1.02. The Public Access Counselor is exclusively focused on potential and alleged violations of the Illinois Freedom of Information Act and the Illinois Open Meetings Act. Because neither Act is implicated in the matter you raise, the Public Access Division has no express power to offer an opinion as you have requested.

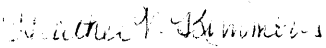
The issue of the legality or illegality of this particular gathering is controlled by the provisions of the Illinois State Constitution. Article IV, section 5 provides that “sessions” of the Senate (and the House) and “committee” meetings shall be open to the public, unless the Senate votes by two-thirds to close a session or a committee meeting. The 1970 Constitution does not say anything about caucus meetings. Whether a court would find that the Senate’s February 17th meeting was really a “session” or a “committee” meeting as those terms are used in the Constitution – as opposed to a “joint caucus” meeting as the Senate has described it – is a question of Constitutional interpretation. This analysis would require looking at the Constitutional Convention debates and researching to see if there is any relevant case law. This, as noted above, is not something upon which the Public Access Counselor has authority to opine.

Mr. Adam Andrzejewski
February 26, 2010

Accordingly, this correspondence shall serve to close this file. If you have any questions, please feel free to contact me at (217) 557-0548.

Sincerely,

Cara Smith
Public Access Counselor

By: 

Heather V. Kimmons
Deputy Public Access Counselor