



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

December 12, 2022

*Via electronic mail*  
Mr. James Di Naso

RE: FOIA Request for Review – 2022 PAC 74513

Dear Mr. Di Naso:

The Public Access Bureau has received your Request for Review alleging a potential violation of the Open Meetings Act (OMA) (5 ILCS 120/1 *et seq.* (West 2020)) by the Mattoon Community Unit School District 2 Board of Education (Board) in connection with an October 4, 2022, e-mail. Specifically, your Request for Review alleges that the Board violated OMA when a Board member sent an e-mail to three other Board members and the Superintendent. Our review of the information that you have furnished, however, provides an insufficient basis for the Public Access Counselor to conclude that the Board violated OMA.

"The Open Meetings Act provides that public agencies exist to aid in the conduct of the people's business, and that the intent of the Act is to assure that agency actions be taken openly and that their deliberations be conducted openly." *Gosnell v. Hogan*, 179 Ill. App. 3d 161, 171 (5th Dist. 1989). In order for the requirements of OMA to apply, a gathering must constitute a "meeting" as defined by section 1.02 of OMA (5 ILCS 120/1.02 (West 2020)):

"Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous **interactive** communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.  
(Emphasis added.)

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Under this statutory definition, a "meeting" may include communications through e-mail or other electronic means. The Board is comprised of seven members. Accordingly, four members constitute a quorum, and a majority of the quorum is three members. Therefore, contemporaneous, interactive e-mail or other electronic communications involving at least three members which concern "public business" would ordinarily constitute a meeting of the Board which would be subject to the procedural safeguards and requirements of OMA.

In this instance, although you explained that one e-mail was sent from a Board member to a majority of the quorum of the Board, you acknowledged that you do not know the context of the communication and that your understanding is that there were no related replies by the Board members. The information you provided does not reflect contemporaneous *interactive* communications among a majority of a quorum of the Board and, therefore, does not suggest that the Board held an improper private "meeting" subject to OMA. *See* Ill. Att'y Gen. PAC Req. Rev. Ltr. 52947, issued May 8, 2018, at 2 (a single e-mail from one member of a public body to the rest of the public body did not violate OMA where no other members replied). Because the facts you have alleged do not support the allegation that the Board violated OMA, the Public Access Bureau determined that no further action is warranted in this matter.

This letter closes this file. If you have any questions, you may contact me at (773) 590-6840, [matthew.goodman@ilag.gov](mailto:matthew.goodman@ilag.gov), or the address on the first page of this letter.

Very truly yours,

*Matt Goodman*

MATT GOODMAN  
Assistant Attorney General  
Public Access Bureau

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cc: *Via electronic mail*  
The Honorable Michelle Skinlo  
President, Board of Education  
Mattoon Community Unit School District 2  
1701 Charleston Avenue  
Mattoon, Illinois 61938  
[c/o kalliepullen@mcusd2.com](mailto:c/o kalliepullen@mcusd2.com)