



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

August 6, 2026

Via electronic mail

Ms. Sue Ann Thomason
[REDACTED]

Via electronic mail

Ms. Cinnamon Willett
[REDACTED]

Via electronic mail

Mr. Dale Warren
Board Chairperson, Wayne County Housing Authority
303 North First Street
Fairfield, Illinois 62837
wayneha@midwest.net

RE: OMA Requests for Review – 2026 PAC 88760/88772

Dear Ms. Thomason, Ms. Willett, and Mr. Warren:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2024)). For the reasons explained below, the Public Access Bureau concludes that the Board of Trustees (Board) of the Wayne County Housing Authority (Authority) improperly prohibited the public from recording the Board's August 20, 2025, regular meeting.

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Ms. Sue Ann Thomason
Ms. Cinnamon Willett
Mr. Dale Warren
August 6, 2026
Page 2

BACKGROUND

On August 21, 2025, this office received Ms. Sue Ann Thomason's Request for Review in which she alleged, in relevant part, that in the presence of the Board before its August 20, 2025, meeting, the Authority's Executive Director prohibited her from recording the meeting. Ms. Thomason also alleged that the Board's refusal to permit her to record the meeting chilled her from providing public comment at the meeting due to concerns that her comments would be misrepresented. On that same date, this office received Ms. Cinnamon Willett's Request for Review in which she also alleged, in relevant part, that at the August 20, 2025, Board meeting, the Board's Executive Director prohibited her from recording the meeting. Like Ms. Thomason, Ms. Willett states that the refusal to allow her to record the meeting chilled public comment.

On August 27, 2025, this office sent a copy of both Requests for Review to the Board and asked it to provide a copy of any recording of the open session that may have been made and a written response. On October 3, 2025, the Board responded to Ms. Thomason's Request for Review. On October 10, 2025, this office forwarded a copy of the Board's response to Ms. Thomason; she replied that same day. On November 19, 2025, the Board responded to Ms. Willett's Request for Review; Ms. Willett did not reply to that response. On November 19, 2026, the Board provided a supplemental response to Ms. Thomason's Request for Review. On July 21, 2026, the Board replied to this office's request for clarification as to whether the recording provided by Ms. Thomason documented the Board's August 20, 2025, meeting.

DETERMINATION

Section 2.05 of OMA

Section 2.05 of OMA¹ provides: "Subject to the provisions of Section 8-701 of the Code of Civil Procedure, any person may record the proceedings at meetings required to be open by this Act by tape, film or other means. The Board holding the meeting shall prescribe reasonable rules to govern the right to make such recordings." The Public Access Counselor has issued two binding opinions concerning the right to record open meetings and the kinds of reasonable rules that public bodies may prescribe for doing so. Ill. Att'y Gen. Pub. Acc. Op. No. 12-010, issued June 5, 2012, at 4 ("[A] public body may limit the right of the public to record open meetings only pursuant to prescribed rules, and then only to the extent that those rules are designed to prevent disruptions or avoid safety hazards and do not unduly interfere with the right to record."); Ill. Att'y Gen. Pub. Acc. Op. No. 16-014, issued December 28, 2016, at 6 (board of education did not demonstrate that requiring 24 hours' advance notice of intent to record was reasonable rule under section 2.05 of OMA).

¹5 ILCS 120/2.05 (West 2024).

Ms. Sue Ann Thomason
Ms. Cinnamon Willett
Mr. Dale Warren
August 6, 2026
Page 3

With her Request for Review, Ms. Thomason submitted a video recording that she indicated was taken of the Board's August 20, 2025, meeting; the recording appears to capture a person telling Ms. Thomason that she is unable to record. When this office asked the Board's Executive Director to clarify whether the recording pertained to the August 20, 2025, meeting, the Authority's Executive Director replied via e-mail that she could not recall if the recording was made on that date. She also stated that the Board acknowledges that members of the public are permitted to record meetings subject to reasonable restrictions, that she and Board members have completed training concerning the applicability of OMA to the Board since being made aware of Ms. Thomason's Request for Review, and that "[i]ndividuals have been allowed to record meetings since the exchange at issue occurred."² However, in its response to this office's inquiry letter regarding Ms. Thomason's Request for Review, the Board stated: "Ms. Thomason did attend the Board Meeting on August 20, 2025. She did have her cell phone with her and stated that she did not wish to record the meeting. We did not record the meeting." In her reply, Ms. Thomason reiterated her assertion that the Authority's Executive Director prohibited her from recording the meeting.

In its response to Ms. Willett's Request for Review, the Board stated that Ms. Willett brought two cellular phones with her to the meeting and that because personal information was discussed at the meeting, "the Executive Director did not want it to be recorded."³

Although the information provided to this office concerning Ms. Thomason is somewhat conflicting, the November 19, 2025, response to Ms. Willett's Request for Review does not dispute her allegation and appears to acknowledge that although recording previously has been discouraged, but the Board and the Executive Director now understand that members of the public have a right to record meetings subject to reasonable restrictions. Accordingly, this office concludes that the Board violated section 2.05 of OMA. If the Board has not already done so, it should prescribe reasonable rules on recording as required by section 2.05 and refrain from imposing restrictions on recording that are not prescribed by its rules.

²E-mail from Kim Musgrave, Executive Director, Wayne Co. Housing IL088, to Matthew [Rogina] (July 21, 2026).

³Letter from Dixie Locker, Doyle Hucker, and Timothy S. McBride, Wayne County Housing Authority, Board of Commissioners, to Matthew C. Rogina, Senior Assistant Attorney General, Public Access Bureau, Office of the Illinois Attorney General (November 19, 2025), at 2.

Ms. Sue Ann Thomason
Ms. Cinnamon Willett
Mr. Dale Warren
August 6, 2026
Page 4

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter serves to close this matter. If you have any questions about this determination letter, please contact me at Matthew.Rogina@ilag.gov.

Very truly yours,

Matthew Rogina

MATTHEW ROGINA
Senior Assistant Attorney General
Public Access Bureau

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Cc: *Via electronic mail*
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