



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

September 10, 2026

Via electronic mail

Mr. Bradley VanHoose
[REDACTED]

Via electronic mail

Mr. John Kraft
Edgar County Watchdogs
[REDACTED]

Via electronic mail

The Honorable Kent Luebbers
Mayor
Village of Caseyville
909 South Main Street
Caseyville, Illinois 62232
kluebbers@caseyville.org

RE: OMA Requests for Review – 2024 PAC 82061; 2024 PAC 82077

Dear Mr. VanHoose, Mr. Kraft, and Mr. Luebbers:

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 Village of Caseyville Board of Trustees (Board) violated OMA in connection with its July 3, 2024, meeting.

BACKGROUND

On July 8, 2024, this office received Requests for Review from Mr. Bradley VanHoose and Mr. John Kraft alleging that at the July 3, 2024, meeting, the Board held a closed

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session that exceeded the scope of any statutory exception for entering closed session. This office determined that further inquiry was warranted and sent letters to the Board on July 10, 2024, and August 7, 2024, requesting a written answer and certain meeting materials. On August 9, 2024, legal counsel for the Board informed this office that on August 7, 2024, the Board voted to release the July 3, 2024, closed session verbatim recording and closed session minutes. On August 9, 2024, Mr. VanHoose provided this office with copies of the released closed session minutes; on August 12, 2024, he provided this office with a link to the video recording of the closed session meeting. Although the closed session materials were released, Mr. VanHoose requested that this office nevertheless issue a determination in this matter addressing the propriety of the Board's July 3, 2024, closed session discussion. On September 13, 2024, the Board provided a written answer; on September 17, 2024, this office forwarded that answer to Mr. VanHoose and Mr. Kraft. Mr. VanHoose has recently informed this office that he remains interested in a determination in this matter.

DETERMINATION

OMA is intended "to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly."¹ Accordingly, section 2(a) of OMA² provides that all meetings of a public body must be open to the public unless the discussion falls within the scope of one of the exceptions—to the general requirement that public bodies conduct public business openly—set out in section 2(c) of OMA.³ The section 2(c) exceptions are to be "strictly construed, extending only to subjects clearly within their scope."⁴ Before entering closed session, a public body must hold a public vote to do so and cite "the specific exception that authorizes the closing of the meeting[;]" the relevant exception also must be recorded in the meeting minutes. 5 ILCS 120/2a (West 2024).

Section 2a of OMA

The open session recording of the July 3, 2024, meeting showed that a motion to approve bills failed after one Board member mentioned that there were discrepancies within the bills that the Board needed to resolve.⁵ Later in the meeting, that Board member asked if the

¹5 ILCS 120/1 (West 2024).

²5 ILCS 120/2(a) (West 2024).

³5 ILCS 120/2(c) (West 2024).

⁴5 ILCS 120/2(b) (West 2024).

⁵Village of Caseyville Board of Trustees, Meeting, July 3, 2024, open session video recording at approximately 03:57 (on file with Public Access Counselor).

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Board could enter closed session to discuss the billing discrepancies.⁶ The Board then voted to go into closed session. The Board did not cite an exception within section 2(c) of OMA that authorized the closed session. The July 3, 2024, Board meeting minutes indicate that the Board entered closed session "to discuss why the motion to pay bills was not passed."⁷ The Board's minutes did not list an applicable section 2(c) exception, nor is there an exception listed in section 2(c) of OMA authorizing a closed session to discuss the payment of bills. Accordingly, the Board violated section 2a of OMA by failing to cite and record an exception authorizing the closed session.

Section 2(c) of OMA

This office has reviewed the July 3, 2024, closed session recording. For a few minutes at the beginning and end of the 16-minute meeting, the Board asked its attorney to clarify certain entries in his legal invoices and requested that he add more detail to future invoices. For the remaining time, the Board discussed the Village's practice of paying bills before the Board approves them.

In its response to this office, the Board argued that the closed session was authorized by the exceptions listed in sections 2(c)(1)⁸ and 2(c)(11)⁹ of OMA. Section 2(c)(1) provides that a public body may hold closed meetings to consider "[t]he appointment, employment, compensation, discipline, performance, or dismissal of specific employees * * * or legal counsel for the public body, including hearing testimony on a complaint lodged against * * * legal counsel for the public body to determine its validity." Section 2(c)(11) permits closed meetings to consider "[l]itigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting."

While portions of the Board's July 3, 2024, closed session touched on the performance of the Village's attorney, most of the conversation concerned the Village's bill paying practices. No exception under section 2(c) of OMA permits closed session discussion of the Board's bill paying practices. Further, the Board did not discuss litigation. Accordingly, the Board's closed session discussion violated the requirements of OMA. Because the Board has

⁶Village of Caseyville Board of Trustees, Meeting, July 3, 2024, open session video recording at approximately 1:00:24 (on file with Public Access Counselor).

⁷Village of Caseyville Board of Trustees, Meeting, July 3, 2024, Minutes 9.

⁸5 ILCS 120/2(c)(1) (West 2024).

⁹5 ILCS 120/2(c)(11) (West 2024).

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already voted to make available the closed session verbatim recording and meeting minutes, there is no additional remedy for this office to recommend. This office nevertheless reminds the Board to: (1) adhere to the procedures described in section 2a of OMA for entering closed session and (2) keep its closed session discussions within the scope of the exceptions listed in section 2(c) of OMA.

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

Very truly yours,



LAURA S. HARTER
Bureau Chief
Public Access Bureau, Springfield

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cc: *Via electronic mail*
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