



## STATE OF INDIANA

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October 26, 2021

Stephen L. Shipp  
200 East Association Street  
Ellettsville, IN 47429

VIA EMAIL: [stephen.shipp@sevenoaksclassical.org](mailto:stephen.shipp@sevenoaksclassical.org)

**Re: Formal Complaint 21-FC-167**

Dear Dr. Shipp:

This letter is in response to the formal complaint you filed with my office in the above-captioned cause. As I sometimes do, I am addressing this matter via letter as opposed to a published opinion. This happens when circumstances evolve from the filing of the complaint to the time when I revisit the issue. Nevertheless, we forwarded your complaint to the Monroe County Board of Commissioners (Board) and its response is enclosed for your review.

Several months ago, the Board reached out to solicit my advice on the very matter underlying your complaint. We discussed the Board's new duties related to appellate review of local health board enforcement actions in accordance with Indiana Code sections 16-20-5.5-1 to -5. We discussed how, in terms of practicality, the appeals procedure could reasonably be considered a quasi-judicial function, deliberations about which would not fall under the Open Door Law (ODL).

As it turns out, I gave potentially erroneous advice. The case cited in your complaint<sup>1</sup> was not on the radar of this office until the complaint was filed. It indeed states that even quasi-judicial actions of administrative and legislative bodies should be subject to the Open Door Law. It is unclear whether a court would find that the process in the new Title 16 statute was intended by the legislature to be covered by the ODL but my recommendations would have been different in light of this case.

<sup>1</sup> *Citizens Action Coalition of Indiana, Inc. v. Public Service Commission of Indiana*, 425 N.E.2d 178 (1981).



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Simply put, Monroe County reached out in good faith, and I provided conceivably problematic analysis. For that, both parties have my sincere contrition. While I do not believe this oversight would have ultimately made a difference in the outcome of the appeal, it could possibly throw the integrity of the process into question. I cannot fault the county for its reliance on my guidance; and thus, I decline to make a determination regarding noncompliance in this case.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "LH Britt", is positioned above the printed name.

**Luke H. Britt**  
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cc: Lee Baker